

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.51 of 2020

- Dilharan Sahu S/o Parmeshwar Sahu Aged About 15 Years Minor R/o Darrakhancha Hardi Bazar Police Station Kusmunda, Tehsil Katghora, District Korba Chhattisgarh, Through His Mother Smt. Meena Sahu W/o Parmeshwar Sahu Aged About 33 Years, R/o Darrakhancha Hardi Bazar Police Station Kusmunda, Tehsil Katghora, District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Korba, Police Of Police Station Kusmunda, District Korba Chhattisgarh

--- Non-applicant

For Applicant	– Shri Ashutosh Shukla, Advocate.
For State/Non-applicant	– Shri Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2020

Heard.

1. This revision has been brought being aggrieved by the order dated 07.12.2019 passed in Criminal Appeal No.75/2019, by the Special Court (S.T./S.C.), Korba, District,- Korba, C.G. dismissing the appeal filed by the applicant against the bail rejection order of the Juvenile Justice Board, Korba, C.G..
2. It is submitted that the applicant has been falsely implicated in this case. The social status report was in favour of the applicant, even then the Juvenile Justice Board and the Appellate Court have not taken into consideration that report and passed the orders of rejection against the applicant. Therefore, the applicant is entitled for grant of bail. Hence, it is prayed that this revision petition may be allowed and the impugned order may be set aside.

3. Learned counsel for the State/respondent opposes the petition submitting that the applicant is being prosecuted for commission of offence under Section 376 of I.P.C., Sections 4 and 6 of POCSO Act and also for Section 3(2)(5) of S.C./S.T. (Prevention of Atrocities) Act. Therefore, looking to the gravity of offence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. The applicant is a juvenile in conflict with law and his age presently is only 15 years. The gravity of offence in the case of juvenile is never a ground for consideration for grant of bail. Specific conditions under which the bail can be refused are provided under Section 12 of Juvenile Justice Care and Protection Act, 2015. According to the social status report, there is no criminal history of the applicant and there is no report about his association with other criminal elements. Apart from this, his custody is sought by his natural father. Therefore, it was a fit case where he should have been benefited with grant of bail and the learned Board as well the Appellate Court have failed to exercise that jurisdiction in this respect. Hence, this revision petition is allowed and the impugned order and the order passed by the Court, both are set aside.

6. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by his father or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

7. Accordingly, this revision petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge