

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 79 of 2020

Mridul Mishra @ Nimmi Mishra, Aged About 17 Years & 9 Months, S/o Jayshankar Mishra, R/o Housing Board, E.W.S.-1882, Police Station-Jamul, Tahsil & District- Durg (C.G.) (Through Natural Guardian of Applicant Father Jayshankar Mishra)

--- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Jamul, District- Durg (C.G.)

--- Respondent

For Applicant : Mr. B.P. Singh, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/07/2020

1. This revision petition has been brought being aggrieved by the impugned judgment dated 04.01.2020, passed in Criminal Appeal No. 02/2020, by Additional District and Sessions Judge, Second Fast Track Special Court (POCSO), Durg (C.G.) by which the order rejecting the bail application of the applicant by the Juvenile Justice Board has been upheld and the appeal has been dismissed.
2. It is submitted that this applicant is not the main offender in this case and further the social status report submitted, did not mention any specific reason on the basis of which, the prayer made for grant of bail should have been rejected by the Board and the same could have been upheld by the appellate court,

therefore, it is prayed that the impugned order needs interference of this Court. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition and grounds raised in this respect. It is submitted that specific material is placed against the applicant regarding his participation in commission of crime and his act amounts to in furtherance of common intension in commission of crime, therefore, he is not entitled for grant of bail. No error has been committed by the Board as well as by the appellate Court.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by the counsel from both the sides. This applicant is juvenile in conflict with law. It is alleged that he was associated with the main accused in abduction of the minor prosecutrix. Subsequent to which, the main accused raped the minor prosecutrix. There is no allegation of rape against this applicant. The social status report of probationary officer mentions that that applicant is a person of good character and his engagement in commission of offence is because of influence of other persons.
6. As the applicant is not the main offender and that there is no specific reason on the basis of which, prayer for bail could have been dismissed and there is no specific reason present on the

basis of which, application under Section 12 of the Juvenile Justice Act, should have been rejected, therefore, this Court is of the view that the impugned order and order of Board are not sustainable, therefore, I feel inclined to allow this revision petition.

7. Consequently, the order dated 04.01.2020, passed by learned Additional District and Sessions Judge, Second Fast Track Special Court (POCSO), Durg (C.G.) in Criminal Appeal No. 02/2020, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of same amount, which is to be of his guardian/father – Jayshankar Mishra, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his natural guardian/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge