

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 94 of 2020**

- Shrawan @ Nikhil Goyal S/o Omkar Goyal Aged About 17 Years, Through Natural Guardian Father Omkar Goyal, R/o Village Kalle, Chowki Birejhar, Police Station Kurud, District - Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

**---- Revisioner Petitioner/ Applicant**

**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Abhanpur - District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**--- Respondent**

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For Applicant– Shri Keshav Prasad Gupta, Advocate.

For State/Respondent – Shri Adil Minhaj, Govt. Advocate.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**26-05-2020**

Heard.

1. This revision has been brought challenging the impugned order dated 02-01-2020 passed in Criminal Appeal No.593/2019 by the Child Court/ Court of Additional Sessions Judge, Raipur, District Raipur, Chhattisgarh dismissing the appeal and upholding the order of the Juvenile Justice Board.
2. It is submitted that the applicant is innocent and has been falsely implicated in this case. The learned Board as well as learned appellate Court both have not appreciated the provisions under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act, 2015') and also despite the social status report being in favour of the applicant they have rejected his prayer for grant of bail. Therefore, the impugned order and order of the Board suffers from infirmity. Hence, it is prayed that the applicant may be granted bail.
3. Learned counsel for the State/respondent opposes the submission submitting that there is direct evidence present against the applicant regarding commission of offence which is of serious nature. Therefore, he is no entitlement for bail.

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

5. The applicant is a juvenile in conflict with law and it is alleged that he has abducted the minor prosecutrix and has exploited her sexually because of which he is being prosecuted for commission of offence under Section 363, 376(2) of the IPC and Section 4 and 6 of POCSO Act.

6. After considering the facts and circumstances of this case, I am of this view that the social status report is in favour of the applicant. It is the natural father of the applicant who is seeking his custody. Therefore, there has been no reason present in accordance with Section 12 of the Act, 2015 for which the prayer would have been refused. Therefore, I am of this view that learned Board as well as learned appellate Court both have committed error in denying the prayer of the applicant. Therefore, this revision petition deserves to be allowed.

6. Therefore, the revision petition is allowed and disposed off at the motion stage. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian father of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, then the applicant shall be given in custody of his natural guardian father.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**