

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 113 of 2020

- Vikas Ghritlahre, S/o Narayan Singh Ghritlahre, Aged About 17 Years, R/o Ward No. 03, Urla, District-Raipur, Chhattisgarh, Through its Natural Guardian Narayan Singh Ghritlahre.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur, District-Raipur, Chhattisgarh.

---- Respondent

For applicants	:	Mr. Shakib Ahmed, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

03/03/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 2.1.2020 (Annexure-A/1) passed by the Children's Court Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.590/2019 by which the order passed by the Juvenile Justice Board rejecting application of the applicant for releasing him on bail, was upheld.
2. It is submitted by the learned counsel for the applicant, that applicant, is innocent child in conflict with law and has been falsely implicated in this case. The applicant has no criminal antecedent. There is no evidence on record to form an opinion that release of applicant would bring him in association with criminal elements or such a release would expose him to mental, physical and psychological danger or defeat the

ends of justice. The social status report given by the Probation Officer was favorable and on that basis the applicant was entitled for grant of bail, however, the Juvenile Justice Board and the appellate Court both have rejected the application application of the applicant for grant of bail and thereby committed mistake. Hence, it is prayed that application be allowed and the applicant be granted bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that this applicant has equally participated in the commission of offence with other co-accused persons, therefore, he is not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. The applicant, a juvenile in conflict with law, is being prosecuted for the offence punishable under Section 307 read with Section 34 of IPC before the Juvenile Justice Board. The grounds on which bail can be rejected are mentioned in Section 12 of the Act, 2015. There is a report of the Child Welfare Officer that the applicant requires institutional betterment. However, there is no mention in the said report that release of applicant would bring him in association with criminal elements or such a release would expose him to mental, physical and psychological danger or defeat the ends of justice. In other words, there is no such specific mention in the social status report given by the Probation Officer which can be said to be adverse. The Courts below taking into consideration the gravity of offence have rejected the bail application of applicant and thereby committed mistake. In the considered opinion of this Court, it was a fit case for grant of bail to the applicant.
6. Consequently, this petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the applicant herein is allowed. It is directed that the applicant shall be released on bail, upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Mana Camp,

Raipur, Chhattisgarh, with an undertaking of his father that he will take care of the applicant and keep him away from the company of known criminals. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha