

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 133 of 2020

Uttam @ Tuleshwar Dhritlahre, (Juvenile) S/o Ram Singh Dhritlare Aged About 17 Years Through Brother Punarad Dhritlahre, S/o Ram Singh Dhritlare, Aged 28 Years, R/o Village- Belbhanta, Police Station- Abhanpur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge, Police Station- Abhanpur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Devershi Thakur, Advocate
For Respondent/State	: Mr. Jitendra Shukla, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

16-03-2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 7.1.2020 passed in Criminal Appeal No. 9 of 2020 by the Juvenile Justice Board/ Learned Ninth Additional Sessions Judge, District Raipur, dismissing the appeal filed under Section 102 of Juvenile Justice (Care and Protection of Children), Act, 2015.
2. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The social status report was in favour of the applicant and it is mentioned in the report itself that the applicant has not participated in the commission of offence and on the contrary, he was trying to intervene in the incident. Therefore, the Learned Board and the learned Appellate Court both have, without appreciating this report and without following the provision under Section 12 of the Act, 2015, passed erroneous order which are liable to

be set aside. Hence, it is prayed that this revision petition be allowed.

3. Learned counsel appearing for the respondent/ State opposes the submission so made and submits that the applicant has actively participated in the commission of offence under Section 307 of the IPC, therefore, he is not entitled for grant of bail.
4. Heard both counsel for the parties and perused the material available on record.
5. On perusal of the impugned order and the order of the Board and also the social status report, I am of this view that the report had been in favour of the applicant and there had been no specific reasons present on the basis of which, the application of bail could have been rejected under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence the impugned order and the order of the Board are not sustainable.
6. Accordingly, the revision petition is allowed. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his father or guardian alongwith a personal bond to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Sd/-

(Rajendra Chandra Singh Samant)
Judge