

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 305 of 2020

Kishan Chandel S/o Thanwar Chandel Aged About 16 Years R/o Vikas Nagar, Near Dr. Radha Krishnan School, Gudhiyari, Police Station- Gudhiyari, District- Raipur, Chhattisgarh. Though His Legal Guardian Father Thanwar Chandel S/o Pusau Chandel, Aged About 40 Years.

---- Petitioner

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station, Gudhiyari, District- Raipur, Chhattisgarh.

-----Respondent

For Petitioner	: Mr. Priyanshu Gupta & Mr. Jitendra Shukla, Advocates
For Respondent/State	: Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

06/03/2020

1. Challenge in this petition is to the order dated 30.01.2020, passed by learned Additional Sessions Judge, Second Fast Track Court Special Court, Raipur, District – Raipur, in Criminal Case No. 97/2019, dismissing the application filed by the applicant for grant of bail under Section 12 of the Juvenile justice (Care and Protection) Act, 2015.
2. It is submitted that the applicant has been falsely implicated in this case. The social status report mentioned that the applicant is a

student undergoing studies and he has no criminal antecedents and otherwise his report is altogether favourable, even then the learned Court below has considered and appreciated the gravity of the offence. The evidence in the prosecution case has also been developed in later on stage, as the name of the applicant is not mentioned in the FIR, therefore, the applicant is entitled for grant of bail. It is prayed that revision be allowed and the relief be granted to the applicant.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that according to the charge-sheet, the applicant is the main assailant in this case, who has committed the offence of murder, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Charge has been filed against the applicant mentioning that this applicant along with other assaulted the deceased with knife and caused his murder and thereafter on the assessment made by the Juvenile Justice Board, the applicant being of age above 16 years he is being tried by the Child Court.
6. Considered on the material present in the case diary against the applicant and also the social status report, which appears to be in his favour. In such kind of cases, the gravity of the case against the applicant is not a consideration, therefore, advise given in social status report should have been followed by the Court below, therefore, I feel inclined to allow this revision petition.

7. Consequently, the order dated 30.01.2020, by the Sessions Judge is set-aside. It is directed that applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram