

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 291 of 2020

1. Vijay Dhruv S/o Pardeshi Ram Dhruv Aged About 16 Years Through Natural Gaurdian Of His Father Pardeshi Ram Dhruv S/o Daduram, Aged About 46 Years
2. Nitish Kaushal S/o Rajkumar Kaushal Aged About 16 Years Through Natural Guardian Of His Father Rajkumar Kaushal Son Of Chunnulal, Aged About 54 Years

(Both are Resident Of Village Singarpur, Thana Bhatapara (Gramin), District- Balauda Bazar- Bhatapara Chhattisgarh)

---- Petitioners

Versus

- State Of Chhattisgarh Through District Magistrate Balauda Bazar- Bhatapara Chhattisgarh Represented Through Police Station- Bhatapara Gramin, District- Balauda Bazar- Bhatapara Chhattisgarh

---- Respondent

For Petitioners	:	Mr. Vikash Pandey, Advocate.
For State/respondent	:	Ms. Aakanksha Jain, Dy.G.A.

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

14-05-2020

Heard.

1. This petition has been brought being aggrieved by the impugned judgment dated 02.12.2019, passed by the learned First Upper Sessions Judge, F.T.C., Balauda Bazar, District- Baloda-Bazar, Bilaspur in Criminal Appeal No.112/2019, by which the order of rejection of bail application by the Juvenile Justice Board was upheld by the appellate Court.

2. It is submitted by the learned counsel for the applicant that the learned Juvenile Justice Board and the appellate Court both have not appreciated the provision under Section 12 of the Juvenile Justice Care and Protection Act. Social Status report did not mention any specific reason for which the application for bail should have been rejected. Therefore, it is prayed that this revision may be allowed and the applicants may be granted bail.
3. Learned counsel for the State opposes the application and submits that according to the social status report which was presented before the appellate Court, it is clear that the applicants are found to be in danger of being associated with the criminal elements, therefore, the rejection of the bail application by the Board and the appellate Court is appropriate and needs no interference.
4. Heard learned counsel for both the parties and perused the documents.
5. The allegation against the applicants is that they committed theft in the shop of the complainant of articles worth Rs.65,000/-. The social status report as mentioned in the appellate order has not been appreciated in proper sense by the Juvenile Justice Board and also by the appellate Court. There appears to be no criminal antecedent of these applicants who are juvenile and it is the natural guardians, father of both the applicants who are seeking their custody. Therefore, it can be assumed that the applicants shall be kept in a family atmosphere, after they are released on bail and it shall be beneficial for the growth and mental development. Therefore, the appreciation made by the Juvenile Justice Board as well as the appellate court is found to be erroneous. Hence, this petition is allowed. The impugned appellate Court's order and also the Juvenile Justice Board order is set aside.
6. Heard learned counsel for both the parties and perused the documents.
7. Hence, the petition is allowed and disposed off with this direction to the

Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioners, they may be handed over in custody of his parents or guardian, on condition that the petitioners shall be taken care of, he should be made to devote to the studies and that they should not be allowed to associate with any criminal elements.

8. Accordingly, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge