

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 430 of 2020

Kartik Ram @ Ganga Ram, S/o Roopchand Satnami, Aged About 16 Years, Through: Guardian Mother Bimla Bai, Wife of Roopchand Satnami, Aged About 40 Years, R/o Village Bandaura, Police Station Kawardha, District- Kabirdham (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through District Magistrate, Kawardha, District- Kawardha (C.G.) and also through Police Station- Kawardha, District- Kabirdham (C.G.)

--- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate.
For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24/11/2020

1. Challenge in this revision petition is to the order dated 01.11.2019, passed by learned Additional Session Judge, Kabirdham, District- Kabirdham (C.G.) in Criminal Appeal No. 77/2019, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Kabirdham, District- Kabirdham (C.G.) dated 16.10.2019, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant, who is in conflict with law, is not

the main accused in this case. He is in detention since 16.10.2019. It is mother of the applicant, who is seeking his custody and wants to take care and protect him, therefore, looking to the juvenility of the applicant, he is entitled for grant of bail. The Board as well the appellate court, both have not appreciated the same and denied bail to the applicant, therefore, the impugned order and the order of the Board suffer from infirmity, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that according to the social status report, the applicant has been found associated with criminal elements and he has very clearly facilitated in commission of murder by holding hands of the deceased and then, the other accused stab him to death, therefore, this applicant is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by the counsel from both the sides. After considering on the social status report, which clearly mentions that the applicant is usually found in association with criminal elements, therefore, the ground for rejection of bail under the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, is clearly made out. The Board as well the appellate court, both have not committed any

error in passing the rejection orders.

6. In view of the above, this revision petition is liable to be and is hereby dismissed

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun