

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 331 of 2020

Ravi Kumar Kanwar S/o Late Mangal Singh, Aged About 15 Years
Minor, Through Natural Guardian Mother Smt. Sundriya Bai Wife Of
Late Mangal Singh, Aged About 49 Years, R/o Village Barpali, Thana
Katghora, District Korba Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Korba, District - Korba
(C.G.) Represented Through Police Station - Bango, District - Korba
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate
For Respondent	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2020

1. This revision petition has been brought being aggrieved by the order dated 13.12.2019 passed by the Child Court, Khatghora in Criminal Appeal No. 87 of 2019, dismissing the appeal and upholding the order of Juvenile Justice Board by which the prayer of bail by the applicant has been rejected.
2. It is submitted by counsel for the applicant that he has been falsely implicated in this case. According to the prosecution story, he is not the main accused. Similarly placed one co-accused, namely, Sandeep Kumar Yadav has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 7316 of 2019 vide order dated 9.1.2020. The social status report did not reflect any specific and grave circumstance which could have been the reason for refusing the bail to the applicant, therefore, the Board as well as the Appellate Court both have committed error. Interference is prayed for.

3. Learned State counsel opposes the submissions made and the grounds raised in the revision petition. It is submitted by the State counsel that there is evidence regarding direct participation of the applicant in the commission of murder. The impugned order mentions the social status report that the applicant is not under any kind of guardianship and he is also associated with unsocial elements. Therefore, the Board as well as the Appellate Court have not committed any error. Hence, the revision be dismissed.
4. Heard counsel for both the parties and perused the documents.
5. The applicant is the juvenile in conflict with law. There is presumption against him that he is also associated in the commission of offence of murder of deceased – Sheela Kanwar. The main allegation is against Golu @ Jagdish, who happens to be the elder brother of this applicant and the another associate in this crime is Sandeep Kumar Yadav, who has been granted bail by the Co-ordinate of this Court. Although, the social status report mentions that the applicant is not engaged in any studies, his father has expired and mother is not taking care of the applicant, therefore, the applicant is in association with unsocial elements. This report cannot be said to be confirmed, on account of the other circumstances as it is the natural mother of the applicant who is seeking his custody and similarly there is no criminal antecedent of this applicant. Further, the other accused persons in this crime are the family members of the applicant. The main accused of this crime is the elder brother of the applicant. Therefore, I am of this view that the specific reason that was required under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 for dismissal of prayer for bail was missing. Therefore, the Juvenile Justice Board as well as the Appellate Court both have committed error.

6. Consequently, order dated 13.12.2019 passed by the Learned Special Judge/ Juvenile Court is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his natural mother 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 mother or guardian.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi