

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 389 of 2020

- Shubham Kumar Kaiwart, S/o Uchit Ram Kaiwart, Aged About 17 Years, Through Natural Guardian of his father Uchit Ram Kaiwart, Son of Late Fekuram, Aged About 40 Years, Residence of Village Salihabhata Urga, Thana- Urga Tahsil and District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate Korba, District- Korba, C.G., Represented Through Police Station-Ajk Kora, District- Korba, Chhattisgarh.

---- Respondent

For applicants : Mr. Vikash Pandey, Advocate.
For Respondent : Mr. Devendra Pratap Singh, Dy. Adv. General.

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

23/03/2020

Heard.

1. This revision petition has been brought being aggrieved by the judgment dated 18.2.2020 passed by the learned Special Judge (SC/ST Act) Korba, District-Korba, Chhattisgarh in Criminal Appeal No.07/2020, by which the appeal filed against the bail rejection order passed by the Juvenile Justice Board has been dismissed.
2. It is submitted by the counsel for applicant that the applicant has been falsely implicated in this case. The social status report had been in favor of the applicant which has not been appreciated by the Board as well as the appellate Court and there had been no reason to reject bail application of the applicant filed under Section 12 of the Juvenile Justice(Care and Protection of Children) Act, 2015. Hence, the order passed by Board as well as the appellate Court both being erroneous are liable to be set aside.

3. Learned Counsel for the State opposes the petition and submissions made in this respect. It is submitted that prosecutrix is a minor and she has fully supported the prosecution case, therefore, no case is made out for grant of bail to applicant.
4. I have heard both the parties and perused the documents on record.
5. While considering the grant of bail to a juvenile in conflict with law, the Board has to take into consideration only the provisions of Section 12 of the Act, 2015 wherein grant of bail to a juvenile is 'rule' and rejection is 'exception'. On the basis of the social status report submitted, the applicant had entitlement to be released on bail and given in custody of his parents.
6. On perusal of the report of the Probation Officer which is available in the case diary, I am of this view that there had been no circumstance based on which the applicant could be denied bail by the Courts below.
7. Consequently, this petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the applicant herein is allowed. It is directed that the applicant shall be released on bail, upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Korba with an undertaking that he will take care of the applicant and keep him away from the company of known criminals. The applicant shall appear before the Board concerned as and when directed.
8. Certified copy today.

Sd/-

(Rajendra Chandra Singh Samant)
Judge