

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 392 of 2020

Irfan Ali, S/o. Anis Ali, aged about 17 years, minor represented : through father Anis Ali, S/o. Noor Ali, aged about 53 years, R/o. Rameshwar Nagar, Bharpuri, Police Station Khamtarai, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate, Bemetara, District Bemetara Chhattisgarh.

-----Respondent

AND

CR.R. No. 445 of 2020

Irfan Ali, S/o. Anis Ali, aged about 17 years, minor represented : through father Anis Ali, S/o. Noor Ali, aged about 53 years, R/o. Rameshwar Nagar, Bharpuri, Police Station Khamtarai, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate, Bemetara, District Bemetara Chhattisgarh.

-----Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/09/2020

1. Both the revision petitions are heard and decided together by this common order as the applicant in both the cases are same.
2. Criminal Revision No. 392 of 2020 is brought against the order dated 25.02.2020, passed by learned Special Judge (FTC)/Child Court, Bemetara, District – Bemetara (C.G.), in Criminal Appeal No.16/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Bemetara, District – Bemetara dated 06.02.2020, has been dismissed,

whereby the applicant has been denied bail.

3. Criminal Revision No. 445 of 2020 is brought against the order dated 27.02.2020, passed by learned Special Judge (FTC)/Child Court, Bemetara, District – Bemetara (C.G.), in Criminal Appeal No.19/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Bemetara, District – Bemetara dated 06.02.2020, has been dismissed, whereby the applicant has been denied bail.
4. It is submitted that the applicant has been falsely implicated in this case. The social status-report of the applicant is totally not against the applicant. The other co-accused persons are responsible for commission of offence. The learned Courts below have not appreciated the facts and circumstances and also the social status report and passed the erroneous order, therefore, interference is prayed for by this revision petitions.
5. State counsel opposes the petition and grounds raised in this respect. It is submitted that in the social status report it has been mentioned that the applicant is not interested in studies and he is not under the discipline of elders and in his family. Further there appears that he has association with criminal elements. Hence, no error has been committed by the Courts below.
6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. Considered on the submissions and also the facts of the case. The applicant does not have any criminal history. It is the father of the

applicant, who is seeking custody of the applicant, which shows that his release on bail can provide him with the family atmosphere, which is necessary for his improvement and growth. The social status report although mentioned lack of discipline and association with other adult friends, but the same can be remedied in case the father of the applicant keeps control over the applicant. Further also looking to the nature of offence that has been committed, the Board and the Appellate Court should have exercised their jurisdiction in favour of the applicant. Therefore, this Court is of the view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.

8. Consequently, both the revision petitions are allowed. The order dated 25.02.2020, passed by learned Special Judge (FTC)/Child Court, Bemetara, District – Bemetara (C.G.), in Criminal Appeal No.16/2020 and the order dated 27.02.2020, passed by learned Special Judge (FTC)/Child Court, Bemetara, District – Bemetara (C.G.), in Criminal Appeal No.19/2020 are set-aside. It is directed that on furnishing a surety of Rs.25,000/- for each offence along with a bond of same amount, which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge