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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 405 of 2020

Arvind Beck, S/o. Piya Sai Beck, aged about 17 years, Occupation -Student, R/o. Village Jaganathpur Ghodabudha, Police Chowki -Khadgawan, Police Station Pratappur, District Surajpur, Chhattisgarh. Through Guardian/sister Leelawati, W/o. Devicharan, aged about 26 years, R/o. Village Namnakala, Near Church, Police Station Gandhinagar, Tehsil Ambikapur, District Surguja, Chhattisgarh.

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Versus

State Of Chhattisgarh, Through : District Magistrate Ambikapur, District Surguja, Chhattisgarh.

-----Respondent

For Applicant	: Mr. Nishikant Sinha, Advocates
For Respondent/State	: Mr. Sunita Jain, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/06/2020

1. Challenge in this petition is to the order dated 19.02.2020, passed by learned Additional Sessions Judge (F.T.C.), Ambikapur, District – Surguja (C.G.), in Criminal Appeal No. 30/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Ambikapur, District – Surguja dated 06.02.2020, passed in Criminal Case No. 07/2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this

case. It is further submitted that the applicant is juvenile in conflict with law. The social status report was in favour of the applicant, in this respect, that this applicant does not have any criminal antecedents and apart from that it is a case of only attempt to commit offences as registered against the applicant. It is further submitted that main accused in this case, who is major had been granted bail by the Coordinate Bench of this Court. Therefore, the Courts below and the Juvenile Justice Board have committed an error in denying bail to the applicant. It is prayed that revision be allowed and the relief be granted to the applicant.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that the amount involved in the commission of crime is huge amounting to Rs.1,75,65,592/-. Although the applicant does not have any criminal history, but his association with other co-accused itself demonstrate that he remains associated with criminal elements, therefore, no error has been committed by the Board as well as by the appellate Court.
4. I have heard the 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. It is found that this applicant has no criminal antecedents and on perusal of the social status report, this Court is of the view that specific reason for which the bail should be denied to the juvenile under the provisions of Juvenile Justice (Care and Protection) Act, 2015 is not present, therefore this Court is of the view that the Board as well as the appellate Court have committed error in

passing the impugned order, therefore, I feel inclined to allow this revision petition.

6. Consequently, the order dated order dated 19.02.2020, passed by learned Additional Sessions Judge (F.T.C.), Ambikapur, Surguja (C.G.), in Criminal Appeal No. 30/2020, is set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of same amount, which is to be of his guardian/sister – Leelawati, W/o. Devicharan 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 natural guardian/sister.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram