

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 302 of 2020

Virendra Kumar Manhare S/o Anand Kumar Manhare Aged About 17 Years Resident Of Village- Sankra Sondra, District- Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Dharsinwa, Raipur, District- Raipur Chhattisgarh.

---- Respondent

AND

CRR No. 429 of 2020

1. Yuvraj Singh S/o Shri Raghavendra Singh Aged About 17 Years Through Natural Guardian Raghavendra Singh, R/o Village Sankra, Police Station Dharsiwa, District Raipur, Chhattisgarh.
2. Anil @ Pappi Patre S/o Shri Ganesh Patre Aged About 17 Years Through Natural Guardian Ganesh Patre, R/o Village Sankra, Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Dharsinwa, Raipur, District- Raipur Chhattisgarh.

---- Respondent

For Applicants	: Mr. Kamlesh Kumar Pandey and Shri Aditya Khare, Advocates.
For Respondent	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2020

1. Both these revision petitions are being decided by a common order as they arise from same crime number. Criminal Revision No.302 of 2020 has been preferred against the judgment dated 7.2.2020 passed in Criminal Appeal No. 60 of 2020 by the Learned Additional Sessions Judge, Raipur, dismissing the appeal and upholding the order of

Juvenile Justice Board, by which the application for bail filed by the applicant was dismissed.

Criminal Revision No. 429 of 2020 has been preferred against the judgment dated 25.2.2020 passed in Criminal Appeal No. 85 of 2020 by the Learned Additional Sessions Judge, Raipur, dismissing the appeal and upholding the order of Juvenile Justice Board, by which the application for bail filed by the applicants was dismissed.

2. It is submitted by counsel for the applicants in both the cases that they have been falsely implicated in this case. According to the facts of the case, no case is made out under Section 307 of the IPC. The Juvenile Justice Board as well as the Appellate Court both have wrongly appreciated the social status report. The applicants in both the cases were residing with their family and living in the family atmosphere. There is nothing to suggest that they are associated with criminal elements or they can be exposed to moral, physical and psychological danger. They are in jail since 16.1.2020. Hence, it is prayed that the impugned orders be set aside and the applicants be granted bail.
3. Learned State counsel opposes the submissions made and the grounds raised in these revision petitions. It is submitted by the State counsel that the social status report itself mentions that the applicants are not disciplined and are not under control of any guardian and there is likelihood that they may be associated with criminal elements. It is further submitted that the applicants in Cr.R. No. 429 of 2020 have criminal antecedents. There are four cases of theft registered against applicant No.1 – Yuvraj Singh and one previous case of theft registered against applicant No.2 – Anil @ Pappi Patre, therefore, the Juvenile Justice Board as well as the Appellate Court have not committed any error. Hence, the revision petitions be dismissed.

4. Heard counsel for both the parties and perused the documents.
5. Considered the submissions. The allegation against the applicants, who are children in conflict with law, is that they alongwith one co-accused threw a burning match-stick because of which, the complainant suffered 22% burn injuries. Although, the social status report mentions that the applicants are not in disciplined manner but at present, the natural guardian of these applicants are seeking their custody. There may be criminal antecedents against the applicants in Cr.R. No. 429 of 2020 but by itself it cannot be held that all the applicants are in danger of being exposed to moral, physical and psychological danger, therefore, by exercising the jurisdiction of leniently, I feel inclined to interfere. Hence, the revision petitions are allowed.
6. Consequently, the orders dated 7.2.2020 and 25.2.2020 passed by the Learned Additional Sessions Judge, Raipur as also the Juvenile Justice Board are set aside. It is directed that the applicants shall be released on bail on each of them furnishing a surety of Rs.25,000/- by their father or guardian alongwith a personal bond to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then they shall be given in custody of their father or guardian.

Sd/-

(Rajendra Chandra Singh Samant)
Judge