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HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 454 of 2020

Raj Kumar Kurre S/o Ganeshram Kurre Aged About 16 Years R/o Village Gauradeepa Police Station- Sarsiwan, District (Revenue And Civil) Balodabazar- Bhatapara, Chhattisgarh. Through The Father (Natural Guardian) Ganeshram S/o Konda Kurre, Aged About 47 Year, R/o Village Gauradeepa, Police Station- Sarsiwan, District (Revenue And Civil)- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station- Sarsiwan, District (Revenue And Civil) Balodabazar- Bhatapara Chhattisgarh.

-----Respondent

For Petitioner	: Mr. Sumit Jhanwar, Advocates
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/06/2020

1. Challenge in this petition is to the order dated 28.02.2020, passed by learned 1st Additional Sessions Judge Balodabazar – Bhatapara (C.G.), in Criminal Appeal No. 13/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Bilaspur, District – Bilaspur dated 05.02.2020, has been dismissed, whereby the applicant has been denied bail.

2. It is submitted that the applicant has been falsely implicated in this case. Social status report was not altogether against this applicant and that his natural father is seeking his custody, therefore, the learned Courts below have passed the erroneous order, which needs to be interfered with. 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 offence alleged against this applicant is of serious in nature and the social status report mentions that he needs institutional care, therefore, there is no requirement for interference in the impugned order.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. As per the prosecution story, it is alleged that this applicant, who is juvenile in conflict with law has committed the offence of rape with the minor prosecutrix.
6. The social status report mentions that applicant belongs to poor family and at present he is not pursuing any studies, therefore, he needs institutional care further he has no any kind of guardianship. On the contrary, it is the natural father of the applicant, who is seeking custody in this revision petition. Further the circumstances in favour of the applicant is this that there is no report that he had been in association with any criminal elements or that he has criminal history, therefore, the grounds were present on the basis of which, he should have been granted bail, but rather than that the Courts below have considered the gravity of the offence, which

does not need consideration in the matter of grant of bail to the juvenile in conflict with law, therefore, I feel inclined to allow this revision petition.

7. Consequently, the order dated order dated 28.02.2020, passed by learned First Additional Sessions Judge Balodabazar (C.G.), in Criminal Appeal No. 13/2020, 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 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 natural father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge