

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 460 of 2020

Minor Duleswar Yadav @ Duleswar Yadav (Delinquent Juvenile) S/o Thakur Ram Yadav Aged About 14 Years Through Father And Natural Guardian Thakur Ram Yadav, S/o Purno Ram, Aged About 38 Years, R/o Lailuga Jamaigor, P.S. And Tah. - Lailunga, District - Raigarh Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Lailunga, District Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11-06-2020

1. Challenge in this petition is to the order dated 10.2.2019, passed by Learned Additional Sessions Judge (F.T.C.), Raigarh, District Raigarh, Chhattisgarh in Criminal Appeal No. 28 of 2020, whereby the appeal preferred by the applicant/ juvenile against the order of Magistrate, Juvenile Justice Board, Raigarh, District Raigarh dated 22.1.2019, in Criminal Case No. 16 of 2020 has been dismissed, whereby the applicant has been denied bail.
2. It is submitted by counsel for the applicant that the learned Courts below have considered the gravity of offence and not considered the social status report which was in favour of the applicant, thus, the provision under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 has not been followed by the Courts below. The applicant is only 14 years of age and the prayer has been made by his natural father for his custody and he is entitled for grant of bail. Hence,

it is prayed that this revision petition be allowed.

3. Learned counsel appearing for the respondent/ State opposes the submission so made and submits that the victim in this case is only six years old and there is a serious allegation against the applicant regarding the commission of offence of rape. In the medical examination report, the applicant has been found capable of performing sexual intercourse. Therefore, this revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. On the date of incident, the applicant was caught in the act of ravishing the minor victim of age six years. However, the medical examination report of the victim shows only some minor injury. The social status report which is mentioned in the impugned order appears to be in favour of the applicant which says that there is no possibility of the applicant subjected to any cause for involvement. The applicant is disciplined and needs to be properly advised and counseled. The age of the applicant itself is only 14 years i.e. one more circumstance in his favour. The gravity of case is never considered for grant or rejection of bail to a juvenile.
6. On the contrary, the social status report and other factors in favour of the applicant clearly had been circumstances under which this prayer for bail should have been allowed. Therefore, I feel inclined to allow this revision petition.
7. Consequently, the orders dated 10.2.2020 and 22.1.2020 passed by the Learned Additional Sessions Judge as also the Juvenile Justice Board are set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his father or guardian alongwith

a personal bond to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi