

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 469 of 2020

- Ramesh Das S/o Bhuneshwar Das, Aged About 15 Years, Minor, Through his father Bhuneshwar Das S/o Late Vashudev Das, R/o Near Shiv Mandir, Bhilai-03, Tehsil Patan, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, G.R.P. Charoda, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-08-2020

1. Heard.
2. This revision petition has been preferred against the order dated 08-05-2020 passed in Criminal Appeal No.967/2020 by the Additional Sessions Judge, 4th FTC, Durg, District Durg, Chhattisgarh dismissing the appeal upholding the order of the Juvenile Justice Board by which the prayer of bail made by the applicant was rejected.
3. It is submitted by learned counsel for the applicant that the age of the child in conflict with law is only 15 years. He has no criminal antecedent. The social status report was not altogether against him and there had been no specific reason for dismissing his prayer for bail as provided in proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act. Therefore, the Board as well as the appellate Court both have committed error in passing the respective orders. Hence, interference is prayed for.
4. Learned counsel for the State/respondent opposes the submission and submits that there is evidence regarding active participation of this applicant in commission of offence of robbery with other two co-accused persons. Further, there is evidence of recovery of a knife, cash and tablet from this applicant in

the investigation and this applicant was also identified in the test identification parade. In the social status report there is no definite opinion given. Therefore, the Board as well as the appellate Court have not committed any error. Hence, the revision petition may be dismissed.

5. Heard learned counsel for the parties and perused the documents.

6. The applicant who is a child in conflict with law is being proceeded against before the Juvenile Justice Board Durg for commission of offence under Section 458, 392, 34 of the IPC and Section 25 and 27 of Arms Act.

7. Considered the submissions. The applicant appears to be a child of tender age and the report that he has no previous antecedent is also in his favour. As it is a case in which the applicant was found for the first time being in association with other co-accused persons, it cannot be said that he normally associates with criminal elements. The natural guardian of the applicant is seeking his custody, therefore, there is no reason to believe that he may be associated further with criminal elements or that he may be exposed to moral, physical or psychological danger. Therefore, under these circumstances, I am of this view that the impugned order and the order of the Board are not sustainable. Therefore, I feel inclined to allow this revision petition.

8. Therefore, the revision petition is allowed and disposed off at the motion stage. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian father of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, then the applicant shall be given in custody of his natural guardian father.

Sd/-
(Rajendra Chandra Singh Samant)
Judge