

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 481 of 2020

- Chandrashekhar Chouhan S/o Shri Mukutram Chouhan Aged About 17 Years R/o Village Bichhiya, Thana - Saraypali, District - Mahasamund, Chhattisgarh, Minor Through Natural Guardian Father Shri Mukutram Chouhan S/o Munu Chouhan, Aged About 47 Years, R/o Bichhiya, Thana - Saraypali, District - Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate Mahasamund, District - Mahasamund, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Sunil Sahu, Advocate.
For Respondent	:	Mrs. Sunita Jain, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/06/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 22.04.2019 (Annexure-A/1) passed by the learned Additional Sessions Judge, Saraipali, District-Mahasamund, Chhattisgarh in Criminal Appeal No.08/2020, affirming the order dated 23.10.2019 passed by the Juvenile Justice Board, Mahasamund thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant, that applicant, who is innocent child in conflict with law, has been falsely implicated in

this case. The learned Board and the appellate Court both have erroneously appreciated the social status report of applicant. It is submitted that the learned Board as well as the appellate Court both have failed to see that no circumstance was present in accordance with Section 12 of the Juvenile Justice (Care & Protection of Children) Act, on the basis of which the bail may have been refused, even then the prayer for bail made by the applicant has been rejected by the Board as well as by the appellate Court. Therefore, the impugned orders are liable to be interfered with.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that age of the victim in this case is just 15 years, therefore, consequences which have ensued on account of commission of crime by this applicant cannot be ignored. Hence, no interference is needed.
4. I have heard both the parties and perused the documents present on record.
5. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 deals with grant of bail to a person who is a juvenile and under which bail is a rule and rejection is an exception. Bail can be refused to a juvenile only the grounds as mentioned in Section 12. In the present case, the social status report of applicant mentions that he needs to again continue with education and he also needs parental care & protection. This kind of report very clearly makes out a case for grant of bail as there was no adverse opinion regarding the applicant in this report. Therefore, I am of this view that the Board as well as appellate Court both have committed error in passing the order of rejection of bail.
6. Consequently, this revision petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the applicant herein is allowed. It is directed that the applicant shall be given in custody of his natural father upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety of the like sum to the satisfaction of the

Juvenile Justice Board, Mahasamund. The father of applicant shall also furnish an undertaking that he will take care of the applicant and ensure that his son does not come into contact with any criminal or bad elements in society. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha