

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 493 of 2020

- Juvenile In Conflict With Law Through Niluram Through- Niluram S/o Late Dhansingh (Ramaram) Aged About 30 Years R/o. Tetarkhuti Jagdalpur District Bastar (C.G.) (Brother And Natural Guardian Of The Applicant As Father Is Passed Away) (Relation Of Applicant With Guardian Is Wrongly Mentioned In The Order Impugned)

---- Petitioner

Versus

- State Of Chhattisgarh Through- Collector Bastar Place Jagdalpur And P.S. Bastar District- Bastar, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Pravin Kumar Tulsyan, Advocate.
For State/respondent	:	Mr. D.P. Singh, Dy.A.G.

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

17-07-2020

Heard.

1. This petition has been brought being aggrieved by the impugned judgment dated 11.05.2019, passed by the Additional Session Judge, F.T.C./Children Court Bastar, Jagdalpur, in Criminal Appeal No.12/2020, by which the appeal filed by the applicant was dismissed and the order of the juvenile Justice Board rejecting his prayer for bail, was upheld.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The gravity of the case is never a matter for consideration in grant of bail to the juvenile in conflict with law under the provision of Section 12 of Juvenile Justice Care and Protection Act. The social status report had been in favour of the applicant even then, the same has been ignored by the Board as well as by the appellate Court. Therefore, it is prayed that the impugned order be interfered with.

3. Learned counsel for the State opposes the application and submits that huge and commercial quantity of contraband has been seized from the possession of this applicant. Therefore, looking to the gravity of the case, he is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the documents.
5. The applicant who is a child in conflict with law is being prosecuted for commission of offence under Section 20(b)(ii)(C) of N.D.P.S. Act. No doubt the applicant being a juvenile has entitlement that his application for bail should be considered under the provision of Section 12 of the Juvenile Justice Care and Protection Act, according to which, grant of bail is a rule and rejection is an exception. The reason on which, an exceptional case can be made out are very specific. The social status report which is mentioned in the paragraph 10 of the impugned order is this that the applicant had ignorantly agreed to perform the task of transporting the contraband on asking of a friend and there appears to be no criminal antecedent against him. Therefore, no single ground on the basis of which, this application should have been dismissed is made out. Hence, I am of this view that the orders of the Board as well as the appellate Court is not sustainable.
6. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioner, he may be handed over in custody of his parents or guardian, on condition that the petitioner shall be taken care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.
7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge