

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 501 of 2020

- Kaviraj Sahu, S/o Champeshwar Sahu, Aged About 16 Years Minor, Through Natural Guardian Father Champeshwar Sahu S/o Late Goverdhan Sahu, Aged About 44 Years, R/o Devar Mohalla, Police-Station-Tikrapara, District-Raipur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Excise Circle Pachpedi Naka, District-Raipur Chhattisgarh.

---- Respondent

For applicant	:	Mr. Dharmesh Srivastava, 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 01.06.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge(FTC), Raipur, District-Raipur, Chhattisgarh in Criminal Case No.443/2019, affirming the order dated 27.05.2020 passed by the Juvenile Justice Board, Raipur thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant, that applicant, a child in conflict with law, is innocent and has been falsely implicated in this case. It is submitted that the applicant is in Remand Home since 13.10.2019. The social status report, which has been referred to in Paragraph-9 of the impugned order, is clearly in favor of the applicant and in such a situation, the applicant should have been granted bail.

However, the Board and the appellate Court both have erroneously appreciated the social status report of applicant and declined bail to applicant. It is submitted that the learned Board as well as the appellate Court both have failed to see that none of circumstances, as provided under Section 12 of the Juvenile Justice (Care & Protection of Children) Act, exists in the present case based on which bail could be declined to the applicant. Therefore, both the orders impugned herein are liable to be set aside being not sustainable in law.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that the applicant requires institutional care, therefore, the Courts below have not committed error in refusing bail to the applicant.
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 the applicant has left his studies and he is engaged in labor work. He requires proper care or he be placed under parental care. In these circumstances, he should be benefited with grant of bail. It is found that there had been nothing in accordance with provision of Section 12 of the Act, on the basis of which the prayer of the applicant could have been denied by the Board as well as the appellate Court. 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 the custody of his natural guardian i.e. father, on his furnishing a personal bond in the sum of Rs.25,000/-, with one surety of the like sum to the satisfaction of the Juvenile Justice Board, Raipur.

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 the society. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha