

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 507 of 2020

Mohd. Sameer, S/o Late Mohd. Saleem, Aged About 17 Years, R/o Moudhapara, Rajabandha Maidan, Police Station- Moudhapara, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Kotwali, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. C.R. Sahu, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/12/2020

1. Challenge in this revision petition is to the order dated 29.05.2020, passed by learned Child Court/ Additional Sessions Judge, Fast Track Court, Raipur, District- Raipur (C.G.) in Criminal Appeal No. 158/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate Juvenile Justice Board, Mana Camp, Raipur, District- Raipur (C.G.) dated 12.05.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that at present, age of the applicant, who is juvenile in conflict with law, is only 15 years. The applicant has single parent i.e. only his mother. The applicant is in detention since about 7 months. The Board as well the appellate court, both have not appreciated the same and denied bail to the

applicant, therefore, the impugned order and the order of the Board suffer from infirmity, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that according to the social status report given by the Probation Officer, the applicant is associated with criminal elements and apart from that, this is the third offence committed by him of similar nature, therefore, the applicant is habitual offender. The Board as well the appellate court, both have not committed any error in passing the rejection order, therefore, he is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made by the counsel from both the sides. After considering the fact to be taken notice of firstly that, age of the applicant is only 15 years and secondly, it is mother of the applicant, who is seeking his custody and ready to take care of the applicant and his welfare. The applicant is in detention since about 7 months and the proceeding before the Juvenile Justice Board, is still not completed, hence, for these reasons, I feel inclined to allow this revision petition, subject to the condition that mother of the applicant, shall take care of the welfare of the applicant and also make sure that the applicant

will not be associated with criminal elements in future.

6. Consequently, the order dated 29.05.2020, passed by learned Child Court/ Additional Sessions Judge, Fast Track Court, Raipur, District- Raipur (C.G.) in Criminal Appeal No. 158/2020, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of same amount, which is to be of his guardian/mother to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his natural guardian/mother on the conditions mentioned in Para 5 of this order.

Certified copy as per rules.

**Sd/-
(Rajendra Chandra Singh Samant)
Judge**