

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.519 of 2020

- Poonam Pal S/o Tillu Pal Aged About 15 Years R/o Tulsi Bara Dera,
Police Station Mandir Hasaud, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Mandir Hasaud, District Raipur Chhattisgarh

--- Non-applicant

For Applicant	:	Mrs. Smita Jha, Advocate.
For State/respondent	:	Mr. Vimlesh Bajpai, Govt. Advocate.

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

29-06-2020

Heard.

1. This petition has been brought being aggrieved by the impugned judgment dated 08.06.2020, passed in Criminal Appeal No.861/2020, by Children's Court/Additional Session Judge, F.T.C. Raipur, District- Raipur, C.G. by dismissing the appeal and upholding the order passed by the Juvenile Justice Board rejecting the prayer for bail by the applicant.
2. It is submitted by the learned counsel for the applicant that the applicant who is in conflict with law is falsely implicated in this case because of the previous enmity. The age of the applicant is lesser than the age of the victim. The social status report was also in favour of the applicant which has not been taken into consideration by the Juvenile Justice Board as well as by the appellate Court, therefore, there had been no reason to reject the prayer for bail. Hence, the impugned order as well as the order of the Board are unsustainable.

3. Learned counsel for the State opposes the petition and the submissions made in this respect and submits that the prosecutrix has given clear statement against the applicant, therefore, there is no fault in the order passed by the Board as well as by the appellate Court.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submission made by the learned counsel from both the sides, the gravity of offence is never a ground in consideration for grant or rejection of bail. Therefore, there has to be specific reasons, on the existence of which the prayer for bail can be rejected under Section 12 of the Juvenile Justice Care and Protection Act. The social status report is found mentioned in the impugned order, according to which, the applicant is the first offender, he needs to be engaged in studies, he has no association with criminal elements and if he is released, the purpose of justice will not be frustrated. This report had been in favour of the applicant which was not considered by the Board as well as by the appellate Court. Therefore, I do not find any reason, on the basis of which, the prayer for grant of bail to the applicant has been rejected by the Courts below. Hence, I feel inclined to allow this application.
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 guardian of the petitioner, he may be handed over in custody of his 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