

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 523 of 2020

1. Vikash Pardhi @ Vicky S/o Raju Pardhi, Aged About 17 Years R/o Village Gudheli, Borsi, Police Station Berla, District Bemetara, Chhattisgarh. Minor through legal guardian mother Smt. Budhkunwar Pardhi wife of Raju Pardhi, Resident of Village Gudheli, Borsi, Police Station Berla District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh
2. Karan Funwar S/o Rajendra Funwar, Aged About 16 Years, Resident of Village Ghatiya Khurd, Police Station Nandini, Minor, Through legal guardian elder mother Smt. Budhkunwar Pardhi wife of Raju Pardhi, Resident of Village Gudheli, Borsi, Police Station Berla, District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khursipar, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri Bharat Rajput, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

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

01-10-2020

1. Heard.
2. This revision petition has been brought against the order dated 04-06-2020 passed in Criminal Appeal No.85/2020 by the Additional District and Sessions Judge Second Fast Track Court, Special Judge (POCSO Act), Durg Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicants that both the applicants who are juvenile in conflict with law have been falsely implicated. The social status report had been in their favour even then the Courts below have not appreciated the same and passed the order of rejection erroneously. Therefore, interference is prayed for.
4. Learned counsel for the State/respondent opposes the submission and submits that the offence alleged to have been committed by these applicants is

of heinous nature, therefore, the Board as well as the appellate Court have not committed any error. Therefore, the revision petition may be dismissed. It is also submitted that applicant No.2 in this petition has not come before this Court through his natural guardian.

5. Heard learned counsel for the parties and perused the documents.

6. The application for applicant No.2 has been moved through his aunt who is though not his natural guardian, but appears to be guardian at present. Considered the submissions and the facts of the case. The social status report mentions that the applicants have no criminal antecedent and they have family atmosphere to live in. Nothing else is present in the report to make out any of the exceptions under the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, it was a fit case for exercise of the jurisdiction in favour of the applicants and by refusing to do so the appellate Court as well as the Board have committed error.

7. Therefore, the revision petition is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicants is allowed. It is directed that on furnishing of a personal bond for each of the applicants in the sum of Rs.25,000/- by natural/legal guardian of the applicants with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicants as and when directed, the applicants shall be given in custody of his natural/legal guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge