

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 528 of 2020

1. Sakeel Anchal S/o Balram Singh Aged About 17 Years
2. Sohel Anchal S/o Balram Singh Aged About 15 Years
3. Sazid Anchal S/o Balram Singh Aged About 12 Years

(All are minor Through Their Guardian Father Balram Singh, S/o Shri Chandrabhan Singh, R/o Village Panchpedi, Police Station Panchpedi, Tahsil Masuri, District- Bilaspur, Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Panchpedi, District- Bilaspur, Chhattisgarh

--- Non-applicant

For Applicant	– Mr. Arvind Shrivastava, Advocate.
For State/Non-applicant	– Mr. Adil Minhaj, G.A.

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

05-10-2020

Heard.

1. This criminal revision has been brought against the order dated 18.05.2020 passed in Criminal Appeal No.67/2020, dismissing the appeal and upholding the order of rejection of bail application.
2. It is submitted by the learned counsel for the applicant that the applicants are children in conflict with law and they have been falsely implicated in this case. The social status report very clearly mentions that this is the first offence registered against these applicants. All of them are students, who live in family atmosphere and the incident has

occurred in the heat of the moment. Therefore, there was nothing against the applicants, even then their prayer has been rejected by the Board as well as by the appellate Court. Therefore, the Courts below have committed error and interference is prayed for by this revision.

3. Learned counsel for the State/respondent opposes the submissions and submits that according to the facts of the case, all the applicants have actively participated in the commission of offence which has resulted in murder of the deceased. There are eye witnesses of this incident, therefore, looking to the heinous nature of offence committed, the applicants are not entitled for grant of bail and the Courts below have not committed any error.
4. Heard learned counsel for both the parties and perused the documents present.
5. Considered on the submissions, the gravity of offence cannot be a ground of consideration for grant or rejection of bail to children in conflict with law. On perusal of the social status report, it is found clearly mentioned that the applicants have never been involved in any criminal activity earlier to this incident and that they live in a family atmosphere. There appears to be no likelihood of these applicants being associated with any criminal elements in future. While living in family atmosphere, there seems to be no possibility of the applicants being exposed to any moral psychological and physical danger. Further, I do not find any reason to hold that the release of the applicants on bail would defeat the ends of justice. Therefore, no ground is made out under the proviso to Section 12(1) of Juvenile Justice Act, on this basis of which, their prayer should have been rejected by the Courts below. Therefore, I find the impugned order and the order of the Board erroneous.

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 parents or guardians of the petitioners, they may be handed over in custody of their parents or guardians, on condition that the petitioners shall be taken care of, they should be made to devote to the studies and that they should not be allowed to associate with any criminal elements.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika