

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 518 of 2020

Laxmikant Bandhe, S/o Shri Usha Bandhe, Aged About 17 Years,
Minor through Natural Guardian Father Shri Usha Bandhe, S/o Late
Shri Bisauha Ram, Aged About 35 Years, R/o Village - Churmudiya,
Thana & Tahsil - Kurud, District - Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: District Magistrate Dhamtari, District -
Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17/09/2020

1. Challenge in this revision petition is to the order dated 27.05.2020, passed by learned Additional Session Judge (F.T.C.), Dhamtari, District- Dhamtari (C.G.) in Criminal Appeal No. 26/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Chief Magistrate Juvenile Justice Board, Dhamtari (C.G.) dated 20.05.2020, has been dismissed, whereby the applicant has been denied bail.
2. Learned counsel for the applicant submits that the gravity of crime is never considered for rejection of bail in this matter. The social status report had been in favour of the applicant. On the other hand, the applicant is engaged in studies and he is student of Class-XI. The applicant is having good family background,

therefore, there is no specific reason present according to the proviso of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. 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 the the prosecutrix is minor and she has made very clear and categorical statement against the applicant regarding commission of offence of rape twice with her. No case is made out in favour of the applicant and no error has been committed by the Board as well as appellate court, 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 as well as the facts and circumstances of the case. This applicant, who is juvenile in conflict with law, appears to be from family background, which has no criminal history and the applicant himself has no criminal antecedents. It is submitted that the applicant is student of Class-XI and further social status report also does not point out any specific circumstance, on the basis of which, it could have

been held that there is possibility of being associated with criminal element or his release would expose him to moral, physical and psychological danger or his release would defeat the ends of justice. The Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicant, hence, order of both the courts below, are not sustainable, therefore, I feel inclined to allow this revision petition.

6. Consequently, the order dated 27.05.2020, passed by learned Additional Session Judge (F.T.C.), Dhamtari, District- Dhamtari (C.G.) in Criminal Appeal No. 26/2020, 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/father – Usha Bandhe, 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/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge