

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 516 of 2020

1. Dewa Kumar, S/o Govind Prasad, Aged About 16 Years, R/o Siriyakhond, Police Station And Tahsil Manendragarh, District Koriya Chhattisgarh.
2. Suresh Kumar, S/o Govind Prasad, Aged About 13 Years, Through Natural Guardian Father Govind Prasad, S/o Anantlal, R/o Siriyakhond, Police Station and Tahsil Manendragarh, District Koriya Chhattisgarh,.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

&

CRR No. 713 of 2020

- Juvenile In Conflict With Law Through Rajendra Prasad (Natural Guardian Father) R/o Siriyakhond, Police Station and Tahsil Manendragarh, District-Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsiyan on behalf of Mr. Anil Gulati, Advocate in CRR No.516/2020. Mr. P.K. Tulsiyan, Advocate in CRR No.713/2020.
For State/ Respondent	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/12/2020

1. As both the revision petitions arise out of the case based on same crime number, therefore, they are being disposed off by this common order.

2. Both the revision petitions have been brought against the order dated 22.2.2020 & 21.08.2020, passed by learned Special Judge, SC & ST (Prevention of Atrocities) Act, Baikunthpur, District-Koriya, Chhattisgarh in Criminal Appeal No.08/2020 & Criminal Appeal No.24/2020 respectively.
3. In CRR No.516/2020 learned counsel for applicant submits that the applicant, who is juvenile in conflict with law, has been falsely implicated in this case. There is no allegation against him regarding commission of offence. Apart from that the social status report had also been in his favor, which was not at all appreciated by the Board as well as appellate Court, therefore, the orders of rejection passed are erroneous. Hence, interference is prayed for.
4. In CRR No.713/2020 learned counsel for applicant submits that the applicant has been falsely implicated. In the matter of grant of bail to a juvenile the gravity of offence is never a ground for consideration. However, the Board as well as the appellate Court have passed orders of rejection. The of social status report was ignored even though the same was in favor of the applicant. Hence, the orders passed are erroneous and liable to be interfered with.
5. Learned State Counsel opposes the petitions submitting that there is allegation of commission of heinous offence by the applicant in both the cases. The Board as well as the appellate Court both has not committed any error in passing the rejection orders. Hence, the applicant is not entitled for grant of bail.
6. Mr. H.A.P.S. Bhatia, Advocate has given appearance on behalf of the

complainant. He submits that the complainant has no objection if applicant in both the cases is granted bail.

7. I have heard learned counsel for the parties and perused the documents placed on record.
8. Considered on the submissions and the facts of the case. On perusal of the social status report given by the Probation Officer for the applicant in both the cases, it is found that there is not a single circumstance made out which may be made a ground for rejection of bail under the provision of Section 12 Juvenile Justice (Care and Protection of Children) Act, 2015. 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 applicants. Hence, the orders of both the courts below are not sustainable, therefore, I feel inclined to allow both the revision petitions.
9. Consequently, the orders dated 22.02.2020 passed by learned Special Judge, SC & ST(Prevention of Atrocities) Act, District- Koriya(C.G.) in Criminal Appeal Nos. 08/2020 & 24/2020, are set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of the same amount, which is to be of guardian/father of applicant in both petitions, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/father on the condition that he shall not allow the applicant to associate with any known criminal elements.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

