

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 529 of 2020

Kaushal Kumar Sahu, aged about 17 years, Through : Natural Legal Guardian father Ramkhilawan Sahu, aged about 47 years, Son of Sewakram Sahu, Resident Village Maraud, Police Station and Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -Dugali, Dhamtari, District Dhamtari (C.G.).

-----Respondent

For Applicant	: Mr. Hemant Kumar Agrawal, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2020

1. Challenge in this petition is to the order dated 29.05.2020, passed by learned Additional Sessions Judge (F.T.C.), Dhamtari, District – Dhamtari (C.G.), in Criminal Appeal No.27/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Dhamtari, District – Dhamtari dated 27.05.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant is juvenile-in-conflict with law. No case is made out against him. The social status report was in favour of the

applicant, which has not been appreciated by the Board as well as by the Appellate Court and erroneous order has been passed. Interference is prayed for by this revision.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that there is evidence present against the applicant, which is clear and categorical and the victim in this case is minor girl of age about 13 years, therefore, the Board as well as the Appellate Court has not committed any error in passing the order, therefore, no interference is needed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions and the facts of the case. The criteria for grant of bail to the juvenile is clearly defined under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. The social status report given by the Probation Officer does not mention about any criminal record of the applicant, therefore, there appears to be no possibility of his being associated with any criminal elements. Similarly on the basis of same report, it can be made out that there is no possibility of his being exposed to any social, psychological and physical danger. There is also no reason present to hold that the release of the applicant on bail would defeat the ends of justice, therefore, I feel inclined to allow this revision petition.
6. Consequently, the order dated 29.05.2020, passed by learned Additional Sessions Judge (F.T.C.), Dhamtari, District – Dhamtari (C.G.), in Criminal Appeal No.27/2020 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 father 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 father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram