

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 540 of 2020

Sahil Patel, S/o Bhuvan Lal Patel, Aged About 17 Years, Caste- Patel,
R/o- Prem Nagar, Kusmunda, Tehsil- Katghora, District- Korba (C.G.)

--- Applicant

Versus

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

--- Respondent

For Applicant : Mr. Akhtar Hussain, Advocate.

For State/ Respondent : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18/08/2020

1. Challenge in this revision petition is to the order dated 11.06.2020, passed by learned Juvenile Court, Katghora, District- Korba (C.G.) in Criminal Appeal No. 19/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Magistrate Juvenile Justice Board, Korba (C.G.) dated 12.02.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that there is no direct evidence present against this applicant regarding his participation in the commission of offence. The applicant is in jail since 10.10.2019. The social status report was not against the applicant, even then, 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 applicant has charged with commission of heinous offence of murder and he has also associated with some kind of criminal element, which has been observed in the impugned order that the applicant is associated with criminal elements, therefore, the courts below have not committed any error, 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 submission made by the counsel from both the sides. This applicant is juvenile in conflict with law, therefore, consideration for grant of bail has to be strictly made in accordance with Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. The social status report mentions that the applicant is associated with criminal elements and some criminal antecedent is reported against him. Apart from that, there is no offence reported against him. It is the father of the applicant, who is seeking his custody, therefore, apprehension that the applicant may be associated with criminal element is not well founded. There is also no reason present to hold that the release of the applicant on bail would defeat the

ends of justice. Hence, for this reason, I feel inclined to allow this revision petition.

6. Consequently, the order dated 11.06.2020, passed by learned Juvenile Court, Katghora, District- Korba (C.G.) in Criminal Appeal No. 19/2020, 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 – Bhuvan Lal Patel, 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