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HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 539 of 2020

- Alok Mahanand S/o Jhaduram Mahanand Aged About 15 Years, [Through its natural guardian Smt. Deepika Mahanand W/o Jhaduram Mahanand Aged About 38 Years] R/o near Shriram Ground Santoshinagar, Police Station Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Tikrapara, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Respondent/Non-applicant

For Applicant – Shri Rekhraj Baghel, Advocate.

For Respondent/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-09-2020

1. Heard.
2. This revision petition has been preferred against the order dated 03-06-2020 passed in an unregistered criminal appeal filed by the applicant under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 by which the appeal has been dismissed and the order of the Juvenile Justice Board has been upheld.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. There is no evidence regarding his participation in the said offence. The social status report has also been in favour of the applicant, even then the Board as well as the appellate Court both have not appreciated the same and denied the bail to the applicant. Therefore, interference is prayed for.
4. Learned counsel for the State/respondent opposes the submission and submits that there is charge of heinous offence of murder and attempt to murder against this applicant and the other co-accused persons. Therefore, no case is made out in his favour for grant of bail.

5. Heard learned counsel for the parties and perused the documents.

6. Considered the submissions and also on the facts of the case, according to which this applicant along with two co-accused persons had assaulted the deceased with hands and fists and it was at that time one co-accused Akash Nayak took out a knife from his pocket and stabbed the deceased causing grievous injury, as a result of which he died. After considering on the social status report, it is found that the applicant did not have any criminal antecedent and otherwise the report appears to be in his favour. The specific grounds in accordance with the proviso to Section 12 of the Juvenile Justice (Care and Protection of Children) Act has to be made out for rejecting the prayer for bail to a juvenile in conflict with law, which does not appear to be present in this particular case. Therefore, I am of this view that the Board as well as the appellate Court both have committed error in the orders passed by them which are not sustainable.

7. Therefore, the revision petition is allowed and disposed off at the motion stage. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge