

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 549 of 2020

- A (Child In Conflict With Law) Aged About 16 Years, Through His Guardian "B" Father Of Child In Conflict with Law R/o Itwari Bazar, Jagdalpur, A, District Bastar, Jagdalpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through District Magistrate, Bastar, Jagdalpur, District Bastar, Jagdalpur, Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Ishan Verma, Advocate.
For State/respondent	:	Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

07-10-2020

Heard.

1. This petition has been brought against the order dated 15.06.2020 passed in Criminal Appeal No.15/2020 by the Additional Sessions Judge (F.T.C.)/Children's Court, Bastar, Jagdalpur, C.G. dismissing the appeal and upholding the order of rejection of bail prayer by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the applicant is child in conflict with law has been falsely implicated in this case. The applicant is in detention since 01.06.2019, the social status report had been formal and there was nothing against him to make out case of rejection as required under the proviso to Section 12(1) of Juvenile Justice Act, therefore, the Board as well as the appellate Court both have committed error in passing rejection orders, hence, it is prayed that the impugned order may be set aside and the applicant may be granted relief.

3. Learned counsel for the State opposes the application and submits that the facts of the case show that the applicant has assaulted the victim with a knife and caused him serious and fatal injuries, therefore, the case has gravity and applicant has no entitlement for grant of bail.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions, the gravity of the case is never a ground for grant or rejection of bail under Section 12(1) of Juvenile Justice Act. The social status report mentions that the applicant is the first offender and there is nothing specific to make out that there had been any exceptional circumstances present as required under the proviso to Section 12(1) of Juvenile Justice Act. Therefore, in such a case, the order of rejection passed by the Board as well as the appellate Court both are erroneous and need interference, therefore, the revision petition is allowed.
6. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioner, he may be handed over in custody of his parents or guardian, on condition that the petitioner shall be taken care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.
7. Accordingly, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge