

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 550 of 2020

- Sonu Yadav, S/o Shri Sitaram Yadav, Aged About 17 Years Through Natural Guardian Father Sitaram Yadav S/o Puna Ram, R/o. Mehman Koyala Depo., Behind Kabristan, Vaishali Nagar, Police Station Chhawani, District Durg Chhattisgarh.....Petitioner (Juvenile)/ Applicant (In Detention).

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Bhilai Bhatthi, District-Durg Chhattisgarh.

---- Respondent

For applicant	:	Mr. Praveen Dhurandhar, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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

17/08/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 11.06.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, (Fourth Fast Track Special Court), Durg, Chhattisgarh in Criminal Appeal No.84/2020, affirming the order dated 1.6.2020 passed by the Juvenile Justice Board, Durg, District-Durg thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant, that applicant, who is a child in conflict with law, is innocent and has been falsely

implicated in this case. The learned Board and the appellate Court both have erroneously appreciated the social status report of applicant, in which, there was no mention of any specific reason based on which prayer for bail could have been dismissed under Section 12 of the Juvenile Justice (Care & Protection of Children) Act. Therefore, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that it is a case of heinous offence, in which, three juvenile offenders and two other accused persons abducted, assaulted and then raped the minor prosecutrix, regarding which there is evidence present in the investigation, therefore, the applicant is not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. Allegation against the applicant is serious in nature, but the gravity of offence is never the consideration under Section 12 of the Juvenile Justice (Care & Protection of Children) Act. There is no mention in the social status report that release of applicant would bring him in association with criminal elements or such a release would expose him to moral, physical and psychological danger or defeat the ends of justice. In other words, there is no such specific mention in the social status report given by the Probation Officer which can be said to be adverse. The Courts below taking into consideration the gravity of offence have rejected the bail application of applicant and thereby committed mistake. In the considered opinion of this Court, it was a fit case for grant of bail to the applicant.
6. Consequently, this petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the applicant herein is allowed. It is directed that the applicant shall be released on bail, upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety in the

like sum to the satisfaction of the Juvenile Justice Board, Durg, Chhattisgarh, with an undertaking of his father that he will take care of the applicant and keep him away from the company of known criminals. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha