

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 564 of 2020

Karan Kashyap, S/o. Late Gendlal Kashyap, aged about 17 years, Caste -Mahara, Through : his Natural Guardian (Brother) Mahesh, S/o. Late Gendlal Kashyap, aged about 28 years, R/o. Rajnagar School Para, P.S. Nagarnaar, District Bastar Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Collector, Bastar District Office Jagdalpur, District Bastar Chhattisgarh.

-----Respondent

For Applicant	: Mr. Vikash A. Shrivastava, 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 24.06.2020, passed by learned Sessions Judge, Jagdalpur, District – Bastar (C.G.), in Criminal Appeal No.19/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Jagdalpur, District – Bastar dated 10.06.2020, 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 applicant and the prosecutrix both had an affair between them and at present the prosecutrix is residing in the

house of the applicant. Statement given by the prosecutrix under Section 164 of Cr.P.C. is in favour of the applicant. The learned Board as well as the learned Appellate Court both have wrongly appreciated the facts and the social status report given by the Probation Officer and rejected the prayer of the applicant. 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 to show that he has committed the offence as alleged, therefore, the Board as well as the Appellate Court have not committed any error in passing the orders, 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 gravity of offence is not the criteria for refusal of bail to the juvenile-in-conflict with law. The exception as mentioned in proviso to the Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 has to be specifically made out for refusal of bail in such cases. On perusal of the social status report, no such exception appears to be made out on the basis of which, the Court below should have found it reasonable to refuse bail to the applicant, therefore, this Court is of the view that the order passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order dated 24.06.2020, passed by learned Sessions Judge, Jagdalpur, District

– Bastar (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 brother 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