

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 561 of 2020

- Sanjay Yadav S/o Motiram Yadav, Aged About 17 Years, R/o Chandrakhuri Farm, Police Station Mandir Hasaud, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Telibandha, Civil And Revenue District Raipur Chhattisgarh

---- Respondent

For Petitioner	:	Mr. Santosh Kumar Sahu, Advocate.
For State/respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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

19-10-2020

Heard.

1. This petition has been brought against the order dated 15.05.2020 passed in Criminal Appeal No.756/2020, by the Court of Additional Sessions Judge, F.T.C., Raipur, District- Raipur, C.G., dismissing the appeal and upholding the order of the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the appellate Court as well as the Juvenile Justice Board, both have committed the error in passing the orders of rejection of bail application by the applicant. It is clear from the social status report, that the applicant does not have any criminal history and further, the social status report was also not altogether against the interest of the applicant, therefore, no ground was made out for rejection. The impugned order and the order of the Board suffer from infirmity, therefore, interference is prayed for.
3. Learned counsel for the State opposes the application and submits that the learned Board as well as the learned appellate Court both have not

committed any error and as the order has been passed for rejecting the bail prayer made by the applicant side, the present revision petition may also be dismissed.

4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions, the offence alleged to have been committed by the applicant is not of heinous nature. Secondly, there is no previous antecedents of this applicant and thirdly, nothing is made out from the social status report, on the basis of which it can be said that there is likelihood of applicant being associated with criminal elements or that he may be exposed to moral, psychological and physical danger, in case, he is released on bail or that his release on bail will certainly defeat the ends of justice, therefore, I am of this view that it is a fit case in which the Courts below should have exercised their jurisdiction and by not doing so, they have committed error, hence, I feel inclined to allow this revision petition.
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