

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 574 of 2020**

- Chandra Prakash Sahu S/o Hari Narayan Sahu, Aged About 17 Years, through legal guardian mother Smt. Tulsi Sahu, Wife of Hari Narayan Sahu, Aged About 50 Years, R/o Village Bendi, Police Station Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Applicant / Revisioner/**

**/Petitioner (Juvenile) (in observation Home)**

**Versus**

- State Of Chhattisgarh Through Police Station Rakhi, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

**---- Respondent**

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For Applicant – Shri D. Kushwaha, Advocate.

For Respondent/State – Shri Adil Minhaj, Govt. Advocate.

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

**29-09-2020**

1. Heard.
2. This revision petition has been brought against the order dated 03-07-2020 passed in an unregistered criminal appeal (Chandra Prakash Sahu Vs. State of Chhattisgarh) by the Child Court/Additional Sessions Judge, (FTC), Raipur, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of the Juvenile Justice Board denying bail to the applicant.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegation against him is only regarding theft of computer system from HDFC bank. The applicant does not have any criminal antecedent. It is clearly mentioned in the social status report that the applicant resides with his family and it was only because of his association with major accused person he got involved in the alleged commission of offence, otherwise the report had been in favour of the applicant, therefore, the Board as well as the appellate Court both have committed error in not appreciating the same and passing orders of rejection. Therefore, it is prayed that this revision petition be allowed.

4. Learned counsel for the State/respondent opposes the submission and submits that the incident had been a case of attempted bank robbery in which the applicant and other co-accused failed to penetrate into the bank locker, thereafter further incident was that the applicant and the co-accused went off with the articles finding available. The social status report mentions that the applicant has association with criminal elements. Hence, for these reasons no error has been committed by the Courts below, therefore, the revision petition may be dismissed.

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

6. Considered the submissions and also the facts of the case. Gravity of offence can never be a ground for rejection of bail to a juvenile. Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 very clearly provides in proviso to sub-section 1, that a bail can be dismissed only for the reasons when it is found that the juvenile is usually found associated with criminal elements, secondly, there is possibility that he may be exposed to moral, physical or psychological danger and further that his release on bail will defeat the ends of justice. On perusal of the social status report, there appears to be no specific reason to hold that any of the three exceptions mentioned hereinabove are made out. It is the mother of the applicant who is seeking his custody and this also mentioned in the social status report that the applicant lives in family atmosphere, further, he has no criminal antecedent. Therefore, the circumstances were present according to which the Board as well as the appellate Court both should have exercised the jurisdiction in favour of the applicant, therefore, they have committed error. On the basis of this discussion made hereinabove, I feel inclined to allow this revision petition.

7. Accordingly, the revision petition is allowed. 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/legal guardian mother 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/legal guardian mother.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**