

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 579 of 2020

- Turan Mali S/o Gulab Mali, Aged About 16 Years Minor, Through His Father Gulab Mali S/o Jagbandhu Mali R/o Borgaon, Police Station Kosagumda, District- Navrangpur (Odisha)

---- Petitioner

Versus

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

---- Respondent

For Petitioner	:	Mr. Vikash Pradhan, Advocate.
For State/respondent	:	Mr. B.P. Banjare, Dy.G.A.

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

23-11-2020

Heard.

1. This petition has been brought against the order dated 19.06.2020 passed in Criminal Appeal No.18/2020, by the Additional Session Judge, (F.T.C.)/ Children's Court, Bastar, Place- Jagdalpur, C.G., is under challenge. By the impugned order, the trial was dismissed and the order of bail rejection passed by the Juvenile Justice Board has been upheld.
2. It is submitted by the learned counsel for the applicant that the applicant had been falsely implicated in this case. The report of Probation Officer mentions that the applicant was influenced by the other accused persons and was used by them. The applicant had no criminal antecedents and the social status report had not been against him. The Board as well as the appellate Court both have committed error by not giving proper appreciation to the report and the other circumstances and passing rejection orders, therefore, interference is prayed for.
3. Learned counsel for the State opposes the application and submits that the learned appellate Court had clearly held that the applicant is

associated with criminal elements and that there is possibility of his being exposed to moral, psychological and physical danger, hence, the Courts below have not committed any error. Therefore, it is prayed that the petition may be dismissed.

4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions and perused all the documents present in the record, as it is found from the report as well as the impugned order that this applicant does not have any criminal antecedents, further, the seizure of the contraband has been made from the three other accused person and this applicant and this had been only one incident in which the applicant has been found in association with other accused persons, therefore, it cannot be said that he is normally found with the other criminal elements. As it was the observation of the appellate Court that the applicant may be exposed to physical, moral or psychological danger, whereas it is the natural father of the applicant who is seeking his custody, hence, it can be assumed that if the applicant will be released on bail, he will be in good hands, family atmosphere and his well-being shall be looked after properly, therefore, I am of this view that it had been a good case, in which the jurisdiction should have been exercised in favor of the applicant.
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 father of the petitioner, he may be handed over in custody of his father, on condition that the applicant 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge