

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 572 of 2020

- Vishnu Yadav, S/o Rajendra Yadav, Aged About 14 Years Through Mother Smt. Sujatin Yadav, W/o Rajendra Yadav, Aged 47 Years, R/o Near Shitla Chouck, Bhatagaon, Ps Purani Basti, District-Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Incharge, Police Station Purani Basti, District Raipur Chhattisgarh.

---- Respondent

For applicant	:	Mr. J.K. Gupta, Advocate.
For Respondent	:	Mr. D.P. Singh, Dy. Adv. General.

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 12.06.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, (Children's Court), Raipur, Chhattisgarh in Criminal Appeal No.09/2020, affirming the order dated 20.5.2020 passed by the Juvenile Justice Board, Raipur 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. It is submitted that applicant is aged about 14 years only and no case under Section 307 of IPC is made out against him. There is no mention of any circumstance in the social status of applicant warranting rejection of his bail application by the Board and also by the appellate Court. Hence, both the Courts below have

committed error in passing the orders, which needs interference.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that this applicant has a criminal antecedent, which is mentioned in the impugned order. Further, the offence alleged is of grave nature, therefore, no error has been committed by the Courts below, hence, the revision be dismissed.
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 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 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. Mother, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Raipur, Chhattisgarh, with an undertaking of his Mother that she 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