

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 584 of 2020

- Ganesh Nagesh S/o Gajendra Nagesh, Aged About 17 Years, R/o Indra Colony, Potiya Road, Durg Police Station Durg Kotwali, Tehsil and District Durg Chhattisgarh. (Through Natural Guardian Gajendra Nagesh), District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through SHO Police Station Durg Kotwali, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For State/Non-applicant – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-10-2020

1. Heard.
2. This revision petition has been brought against the order dated 07-07-2020 passed in Criminal Appeal No.100/2020 by the Additional District and Sessions Judge 2nd FTC Special Court under POCSO Act Durg Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The social status report was not at all altogether against the applicant. The commission of offence alleged are not of serious nature. He is in jail since 19-06-2020. Therefore, refusal of grant of bail to him by the Board as well as the appellate Court was erroneous. Hence, it is prayed that the revision petition be allowed.
4. Learned counsel for the State/non-applicant opposes the submission and submits that the social status report mentions that the applicant has involvement in commission of similar other crimes, therefore, the Board as well as the appellate Court have not committed any error. Therefore, the revision petition may be dismissed.

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

6. Considered the submissions and the facts of the case. It has been stated by the State counsel that there is no previous record attached in the case diary to show that the applicant has criminal history, therefore the statement regarding his previous involvement in criminal cases appears to be vague, on the other hand, the specific circumstances which was essential to be made out for rejection of bail application under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 does not appear to be present. Therefore, I am of this view that the Board as well as the appellate Court both have committed error in passing the orders of rejection.

7. Therefore, 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 guardian 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 guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge