

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 586 of 2020

Vikas Kuzur, S/o. Shri Gajanand Uaraon, aged about 17 years, Minor, Through Natural Guardian his mother Radhabai Uraon, W/o. Gajanand Uraon, R/o. Village - Sarwani, Police Station and Tahsil - Kharsia, District Raigarh, Civil and Revenue District Raigarh Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : District Magistrate, Raigarh, District Raigarh, Chhattisgarh.

-----Respondent

For Applicant	: Mr. M.K. Sinha, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/09/2020

1. Challenge in this petition is to the order dated 17.06.2020, passed by learned Additional Sessions Judge, FTC, Raigarh, District – Raigarh (C.G.), in Criminal Appeal No.46/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Raigarh, District – Raigarh dated 10.06.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant is juvenile-in-conflict with law. No case is made out against him. There had been nothing against the applicant in the

social status report given by the Probation Officer. The bail application of the applicant has been rejected only on the merits of the case, which can not be the criteria for grant or refusal of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. Hence, the learned Board as well as the learned Appellate Court both have committed error in passing the impugned order. Interference is prayed for by this revision.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that the statements of victim and the other witnesses are very clear and categorical against the applicant and also the social status report very clearly mentions that the applicant is not under the discipline of the elders of the family, therefore, no error has been committed by the Court below.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions and the facts of the case. It appears that the applicant does not have any criminal antecedents and according to the facts of the case, there had been an affair between the applicant and the minor prosecutrix, which has resulted in her pregnancy, subsequent to which, FIR has been lodged. Therefore, the specific conditions that possibility of the applicant getting associated with criminal elements or that he may be exposed to any social, psychological and physical danger or that his release on bail would defeat the ends of justice are not made out according to the social status report given, therefore, it had been a case in which the applicant should have granted bail. Therefore, this Court is of the

view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.

6. Consequently, revision petition is allowed. The order dated 17.06.2020, passed by Additional Sessions Judge, FTC, Raigarh, District – Raigarh (C.G.), in Criminal Appeal No.46/2020 is set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of same amount, which is to be of his mother to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his natural guardian.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram