

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 589 of 2020

- Pappu Baghel S/o Ghasi Ram Baghel, Aged About 17 Years Through His Guardian Ghasi Ram Baghel, Father Of Child In Conflict With Law S/o Baijnath Age 60 Years R/o Dongaghat, P.S. Kotwali, Jagdalpur, District Bastar Jagdalpur, Chhattisgarh

---- Petitioner

Versus

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

---- Respondent

For Petitioner : Mr. Ishan Verma, Advocate.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-11-2020

Heard.

1. This petition is directed against the order dated 17.07.2020 passed by the Special Court of S.C./S.T. Act, Bastar, Place- Jagdalpur, C.G., in Criminal Appeal No.24/2020, dismissing the appeal and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the juvenile in conflict with law had been of age 15 years at the time of incident, therefore, it can be clearly said that he was not aware of the consequences of the act, which is alleged to have been committed by him. The social status report that has been given by the Probation Officer appears to be in favour of the applicant, even then the same has not been appreciated by the Juvenile Justice Board as well as by the appellate Court. Hence, the orders of rejection passed are erroneous and need interference of this Court.

3. Learned counsel for the State opposes the application and submits that the age of the victim had been of about 13 years on the date of incident. The prosecutrix has made categorical statement of allegations against this applicant in the investigation. Therefore, looking to the gravity of the crime, the applicant has no entitlement of bail and the Courts below have not committed any error.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions and also perused the social status report present in the record placed, there is nothing specific mentioned that the applicant will be associated with any criminal elements in near future or that there is danger of his being exposed to physical, moral or psychological danger or that his release on bail would defeat the ends of justice. As per the provision under Section 12(1) of Juvenile Justice Care and Protection Act, there has to be specific circumstances present on the basis of which, the bail may be refused to any juvenile in conflict with law, as such circumstances are not present, therefore, the Board and the Court below both have committed error in passing rejection orders.
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 parents or guardian of the petitioner, he may be handed over in custody of his parents or guardian, 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