

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 591 of 2020

- Suraj Pal S/o Shri Shatruhan Pal, Aged About 17 Years, Through his Legal Guardian his father Shri Shatruhan Pal, Age About 39 Years, S/o Ramadhar Pal, R/o Village- Bhathagaon, P.S.- Amleshwer, Tahsil-Patan, District (Revenue and Civil) - Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District- Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Yogesh Chandra Pandey, Advocate.

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

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

29-09-2020

1. Heard.
2. This revision petition has been preferred against the order dated 27-07-2020 passed in Criminal Appeal No.104/2020 by the Additional District & Sessions Judge (Second Fast Track Special Court) (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. According to the social status report itself, the applicant had entitlement for grant of bail and no specific exception was made out against him on the basis of which his prayer should have been rejected. Therefore, the Board as well as the appellate Court both have committed error. Hence, it is prayed that the revision petition be allowed.
4. Learned counsel for the State/respondent opposes the submission and submits that according to gravity of the offence and also looking to the social status report, the applicant has no entitlement for grant of bail. 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. Gravity of offence cannot be a ground for rejection of prayer of bail in favour of a juvenile. The social status report is mentioned in the impugned order, which shows that the applicant does not have any criminal antecedent, although his association is mentioned, but that is not detailed. Apart from it, it is found that the applicant resides in family atmosphere, therefore, there was nothing to specifically hold that the applicant may be associated with criminal elements or that he may be exposed to moral, physical or psychological danger or his release would defeat the ends of justice. Hence, I am of this view that the Board as well as the appellate Court both have committed error in passing the rejection orders.

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/legal guardian father 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/legal guardian father.

Sd/-
(Rajendra Chandra Singh Samant)
Judge