

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 594 of 2020

- Lokesh Sahu S/o Shri Mahesh Sahu, Aged About 16 Years R/o Village Nawapara Bijrabhata, P.S. Jagdalpur District Bargarh (Odisha) C/o Kunjram Sahu Age 45 Years, S/o Late Rameshwar Sahu R/o Village Teka, P.S. Pithora, Tahsil Pithora, District Mahasamund Chhattisgarh. (Kunj Ram Sahu address is wrongly mention R/o Village Nawapara Bijrabhata P.S. Jagdalpur District Bargarh (Odisha) in judgment copy of Criminal Appeal No. 11/2020), District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, At Police Station Basna, District Mahasamund Chhattisgarh. (instead of Police Station Basna District Mahasamund (Chhattisgarh) Police Station name wrongly mention in judgment copy of Criminal Appeal No. 11/2020), District : Mahasamund, Chhattisgarh

--- Respondent

For Applicant– Shri Jitendra Nath Nande, Advocate.

For State/Respondent – Shri Adil Minhaj, Govt. Advocate.

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

29-09-2020

Heard.

1. This revision has been brought against the order dated 15-07-2020 passed by the Additional Sessions Judge, Saraipali, District Mahasamund, Chhattisgarh in Criminal Appeal No.11/2020 dismissing the appeal filed by the applicant and upholding the order of the Juvenile Justice Board passed against the applicant.

2. It is submitted that the applicant has been falsely implicated in this case. The social status report had been totally in favour of the applicant even then the Board as well as the appellate Court both have not appreciated the same and passed erroneous order. Therefore, interference is prayed for.

3. Learned counsel for the State/respondent opposes the petition and submits that there is evidence regarding association of the applicant in the crime committed. The applicant is resident of State of Odisha, therefore, in case he is released on bail he may not be available for the inquiry against him

before the Juvenile Justice Board. Therefore, the revision petition may be dismissed.

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

5. Considered on the submissions and the facts of the case. Gravity of offence is never a ground for rejection of bail to a juvenile. The specific circumstances which have to be established as exception under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail are not made out according to the report itself. Therefore, I am of this view that the Board as well as the Court below have committed error in passing the rejection order.

6. Therefore, the revision petition is allowed and 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 his parent or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, the applicant shall be given in custody of his parent or guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge