

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 614 of 2020

Kishor @ Kishan Kumar Banjare, S/o. Budharu Ram Banjare, aged about 17 years, R/o. Jawahar Nagar, Bombay Awas, Supela, Police Station Vaishali Nagar, Tahsil and District Durg, Chhattisgarh. Through Legal Natural Guardian mother Smt. Saroj Banjare, W/o. Budharu Banjare, aged about 40 years, R/o. Jawahar Nagar, Bombay Awas, Supela, Police Station Vaishali Nagar, Tahsil and District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station Vaishali Nagar, Durg, District Durg, Chhattisgarh.

-----Respondent

For Applicant : Mr. Purnendra Khichariya, Advocate

For Respondent/State : Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/12/2020

1. Challenge in this petition is to the order dated 07.07.2020, passed by A.S.J. (F.T.C.)/ Special Judge (POSCO Act) Durg, District Durg (C.G.), in Criminal Appeal No.99/2020, whereby the appeal preferred by the applicant/juvenile against the order of Juvenile Justice Board, Durg dated 03.07.2020 in Crime No. 96/2020, P.S. Vaishali Nagar, District Durg, has been dismissed, whereby the applicant has been denied bail.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The social status report is not altogether against him, even then the same has not been appreciated by the Board as well as by the appellate Court. Hence, the order passed by the Board as well as by the Appellate Court are erroneous. Hence, interference is prayed for by this revision.
3. State counsel opposes the petition and the grounds raised in this respect. It is submitted that the social status report mentions that the applicant has a criminal history as there are four previous cases registered against him, therefore, the Board and the appellate Court both have not committed any error in passing the impugned orders.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made and also the facts of the case. Although there are four previous cases registered against the applicant, but the offence committed by him is not an offence of much gravity and looking to the social status report that has been given by the Probation Officer, this Court is of the opinion that it is a fit case, in which, the jurisdiction should have been exercised by the Board as well as by the appellate Court to grant bail to the applicant and by refusing to do so, they have committed error.
6. Consequently, revision petition is allowed. The order dated 07.07.2020, passed by A.S.J. (F.T.C.)/ Special Judge (POSCO Act) Durg, District Durg (C.G.), in Criminal Appeal No.99/2020, 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 mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram