

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 595 of 2020

- Om Pratham Dubey S/o Shri Rajeev Dubey, Aged About 17 Years, Through Guardian Mother Gayatri Dubey W/o Rajeev Dubey, Aged About 45 Years, R/o. Behind Baba Laundry, Near Gole Chowk, Dindayal Upadhyay Nagar, Raipur, Police Station: D.D. Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant / Revisioner/

/Petitioner (Juvenile) (in observation Home

Versus

- State Of Chhattisgarh Through Police Station Saraswati Nagar, Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Respondent/Non-applicant

For Applicant – Shri D. Kushwaha, Advocate.

For Respondent/State – 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 22-06-2020 passed in an unregistered criminal appeal by the Additional Sessions Judge (FTC), Raipur dismissing the appeal filed by the applicant under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and upholding the order of the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicant that the applicant who is a juvenile in conflict with law has been falsely implicated in this case. The prayer for bail has been rejected only on the ground of gravity of offence, whereas, the facts of the case itself disclose that it was not a case under Section 307 of the IPC. The social status report was not altogether against the applicant, therefore, the applicant was entitled for grant of bail. Hence, it is prayed that this revision petition be allowed and the impugned order and the order of the Board may be set aside.
4. Learned counsel for the State/respondent opposes the submission and submits that it is mentioned in the impugned order that the applicant has

criminal antecedents and he is not under any kind of discipline, therefore, rejection orders passed by the appellate Court and the Board do not suffer from any infirmity. Therefore, the revision petition be dismissed.

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

6. Considered the submissions and also on the facts of the case. It is mentioned in the impugned order that it is third offence registered against the applicant. The State counsel submits that the earlier offences committed by the applicant are not grave in nature. On perusal of the social status report it is found that nothing clearly mentioned or detailed that the applicant is usually found associated with criminal elements or that he may be exposed to moral, physical or psychological danger or that the facts of the offence are of such nature that that his release would defeat the ends of justice. Therefore, I am of this view that the Board as well as the appellate Court should have exercised the jurisdiction in favour of the applicant, however, they have refused to do so. Hence, I feel inclined to allow this revision petition.

7. Accordingly, 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 guardian/mother 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 guardian/mother.

Sd/-
(Rajendra Chandra Singh Samant)
Judge