

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 617 of 2020

Ravi Thakur, S/o. Harnath Thakur, aged about 16 years, Resident of opposite Om Hospital, Mahadev Ghat Road, Raipura, Police Station D.D. Nagar, District Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station D.D. Nagar, Raipur, District Raipur Chhattisgarh.

-----Respondent

For Applicant	: Mr. Manish Thakur, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/10/2020

1. Challenge in this petition is to the order dated 14.08.2020, passed by learned Juvenile Court/Additional Sessions Judge (FTC), Raipur, District – Raipur (C.G.), in Criminal Appeal No.193/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Raipur, District – Raipur dated 05.08.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The social status-report though mentions that there is possibility of the applicant being associated with criminal elements, which is a vague statement, otherwise it is clearly stated that this is first offence registered against the applicant. The applicant is student of Class-10th therefore, circumstances were in his favour,

therefore, the Board as well as the Appellate Court both have erred in passing the impugned order. 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 clearly mentions that there is possibility of the applicant being associated with criminal elements, therefore, the Courts below have not committed any error in passing the impugned order, therefore, no interference is needed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made. The facts of the case are not a consideration for grant or rejection of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. There has to be a specific condition set out in accordance with the provisions of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000. The possibility of being associated with criminal elements is not a clear statement otherwise according to the report of the Probation Officer, there does not appear to be any reason, on the basis of which, the prayer for grant of bail should have been refused. Therefore, this Court is of the view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order dated 14.08.2020, passed by learned Juvenile Court/Additional Sessions Judge (FTC), Raipur, District – Raipur (C.G.), in Criminal Appeal

No.193/2020 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