

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 608 of 2020

- Abhay Yadav, S/o Yogendra Yadav, Aged About 15 Years, Through Mother Umrabadi Devi, R/o Arjun Nagar, Ward 19, Camp-1, Bhilai, District-Durg, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through SHO Police Station, Vaishali Nagar, Durg, District-Durg, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Aman Yadav on behalf of Mr. B.P. Singh, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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

04/12/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 11.08.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, Third Fast Track Special Court(POCSO Act), District-Durg, Chhattisgarh in Criminal Appeal No.1718/2020, affirming the order dated 7.8.2020 passed by the Juvenile Justice Board, Durg, District-Durg thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant, that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. The learned Board and the appellate Court

both have rejected the bail prayer made by the applicant only on the ground of gravity of the offence whereas the gravity of the offence was not needed to be considered in accordance with Section 12(1) of the Juvenile Justice (Care & Protection of Children) Act and both the Courts below erroneously appreciated the social status report of applicant, in which, there was no mention of any specific reason based on which prayer for bail could have been dismissed under Section 12(1) of the Act. Therefore, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that there are serious allegations of commission of offence of unnatural intercourse with a minor victim of age 12 years only. The social status report mentions that the applicant is influenced by the antisocial elements, therefore, learned Board as well as appellate Court both have not committed any error, the applicant is not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions and the facts of the case against this applicant. On considering the social status report given by the Probation Officer, it is found that there is nothing mentioned in the report to make out a circumstance as required under the proviso to Section 12(1) of the Act, 2015, therefore, the Courts below have taken into consideration the gravity of offence and rejected the bail application of applicant thereby committed error. In the considered opinion of this Court, it was a fit case for grant of bail to the applicant.
6. Consequently, this petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the applicant herein is allowed. It is directed that the applicant shall be released on bail, upon furnishing a personal bond by his natural guardian i.e. mother, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Durg, Chhattisgarh, with an undertaking of his mother that she will take care

of the applicant and keep him away from the company of known criminals. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha