

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 618 of 2020

A child conflict with law Through natural guardian B father of child who conflict with law, R/o Sirisguda, Thana- Badanji, Bastar (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Collector, Bastar, District Office Jagdalpur, District- Bastar (C.G.)

--- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23/11/2020

1. Challenge in this revision petition is to the order dated 25.07.2020, passed by learned Additional Session Judge (F.T.C.), Jagdalpur, District- Bastar (C.G.) in Criminal Appeal No. 23/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Jagdalpur, District- Bastar (C.G.) dated 24.06.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. There is no allegation of rape against him. Report of the Probation Officer is in favour of the applicant. The Board as well the appellate court, both have not appreciated the same and denied bail to the applicant, therefore, the impugned order and the order of the Board suffer from infirmity, which are not

sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that there is allegation against his applicant that he directly assisted the main accused in commission of offence of abduction and then, also facilitated in commission of offence of rape with the prosecutrix by the co-accused. Therefore, the courts below have not committed any error, therefore, he is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made by the counsel from both the sides. The allegation against this applicant in commission of the offence is of limited nature. Further, on consideration of social status report submitted by the Probation Officer, it is found that no circumstances have been clearly made out against this applicant, which should have been made a ground for rejection of bail under Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, for this reason, I feel inclined to allow this revision petition.
6. Consequently, the order dated 25.07.2020, passed by learned Additional Session Judge (F.T.C.), Jagdalpur, District- Bastar (C.G.) in Criminal Appeal No. 23/2020, 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 guardian/father, 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 natural guardian/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun