

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 610 of 2020

Prakash @ Mukteshwar, S/o Shri Kartik Ram Sonwani, Aged About 16 Years & 11 Months, By Caste - Satnami, R/o Sheetlapara Ward Dhamtari, Tahsil & District- Dhamtari (C.G.) Minor through Natural Guardian Father Shri Kartik Ram Sonwani, S/o Shri Beniram, Aged About 48 Years, R/o Sheetlapara Ward Dhamtari, Tahsil & District- Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through District Magistrate Dhamtari, District- Dhamtari (C.G.)

--- Respondent

For Applicant : Mr. Sunil Sahu, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/10/2020

1. Challenge in this revision petition is to the order dated 15.07.2020, passed by learned Additional Session Judge Dhamtari, District- Dhamtari (C.G.) in Criminal Appeal No. 34/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Chief Magistrate Juvenile Justice Board, Dhamtari (C.G.) dated 08.07.2020 in Criminal Case No. 83/2019, has been dismissed, whereby the applicant has been denied bail.
2. Learned counsel for the applicant submits that both the courts below have committed error in passing order of rejection. There is nothing against this applicant in social status report on the

basis of which, he would have been refused bail. 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 the allegation against this applicant is regarding commission of offence of heinous nature of murder. The facts of the case is that it is a case of planned murder, in which, the applicant has actively participated, therefore, no case is made out in favour of the applicant and no error has been committed by the Board as well as appellate court, 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 as well as the facts and circumstances of the case. This applicant, who is juvenile in conflict with law, appears to have a family background, which has no criminal history and the applicant himself has no criminal antecedents. It appears that this applicant is not the main accused and the assailant. The co-accused Dharmendra Gaikwad, who was making advances to the minor victim and on her refusal, it was, he, who caused her death. The role of the applicant was only that he carried the co-accused on his motor cycle. The social status report mentions that there is no previous

criminal record against this applicant. He is student of Class-X and he is living in family atmosphere. There is no specific reason present according to the proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail prayer. The Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicant, hence, order of both the courts below, are not sustainable, therefore, I feel inclined to allow this revision petition.

6. Consequently, the order dated 15.07.2020, passed by learned Additional Session Judge, Dhamtari, District- Dhamtari (C.G.) in Criminal Appeal No. 34/2020, 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 – Kartik Ram Sonwani, 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