

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 626 of 2020

Anshul Badoniya S/o Shri Arun Badoniya Aged About 16 Years Through His Father- Arun Badoniya, Age 40 Years, S/o Late Shri Manohar Lal, R/o Near Baitul Bazar, P.S.- Baitul Bazar, District- Baitul, Madhya Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer- Police Station Tikrapara, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Amit Banerjee, Advocate
For Respondent/State	: Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-10-2020

1. This revision petition has been brought being aggrieved by the order dated 19.8.2020, passed by Learned Juvenile Justice Board/ Additional Sessions Judge (F.T.C.), Raipur, District Raipur, Chhattisgarh in Criminal Appeal No. 199 of 2020, dismissing the appeal and upholding the order of Juvenile Justice Board by which the prayer of bail by the applicant has been rejected.
2. It is submitted by counsel for the applicant that the applicant who is juvenile in conflict with law has been falsely implicated in this case. The applicant was not in exclusive possession of the contraband, seizure of which has been made from the applicant was shown in joint possession with the co-accused person, who is major. The applicant does not have any criminal antecedents. The social status report did not reflect any specific and grave circumstance which could have been the reason for refusing the bail to the applicant, therefore, the Board as well as the

Appellate Court both have committed error. Interference is prayed for.

3. Learned counsel appearing for the respondent/ State opposes the submissions so made and submits that the case shows that the applicant was jointly in possession of the contraband. Secondly, the social status report mentions that the applicant is not under the discipline of his family members who has quit the studies and is found loafing around with criminal elements. It is also submitted that the applicant is resident of Baitul, Madhya Pradesh, therefore, in case, he is granted bail he may not be available for trial and for the proceedings before the Juvenile Justice Board, as such, the Board as well as the Appellate Court have not committed any error. Hence, this revision petition be dismissed.
4. Heard both counsel for the parties and perused the material available on record.
5. Considered the submissions made by counsel for the applicant and also the facts and circumstances of the case. It is not denied that the applicant was not in exclusive possession of the contraband. Although, the social status report mentions that the applicant is not under discipline of his family and has not continued his studies, but father of the applicant is seeking his custody, there if released on bail he would get family atmosphere and the guidance of the elders of the family that will bring better reform. However, he does not have any previous criminal history. Therefore, the requirement or specific circumstance under proviso (2) of Section 12 of the Juvenile Justice (Care and Protection of Children) Act appears to be missing here. Hence, the Juvenile Justice Board as well as the learned Appellate Court both have committed error.

6. Consequently, order dated 19.8.2020 passed by the Learned Juvenile Justice Board/ Appellate Court is set aside. It is directed that the applicant shall be given in custody of his natural father on furnishing a surety of Rs.25,000/-, alongwith a personal bond of same amount by his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nimmi