

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 627 of 2020

Mithlesh Singh, S/o. Dipnarayan Singh, aged about 17 years, Resident of Adarsh Nagar, Ward No. 19, P.S. Kumhari, District Durg, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : The Police Station Kumhari, District Durg, Chhattisgarh.

-----Respondent

For Applicant	: Mr. Rahil Arun Kochar, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

01/10/2020

1. Challenge in this petition is to the order dated 18.08.2020, passed by learned Additional District and Sessions Judge, II (FTC) (POCSO Act), Durg, District – Durg (C.G.), in Criminal Appeal No.109/2020, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Durg, District – Durg dated 30.06.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The applicant is child in conflict with law below the age of 18 years, whereas, the prosecutrix in this case is major woman. Apart from that, the applicant is a person handicapped having disability of

40%, therefore, the allegations made against him by the prosecutrix is totally false. Social status report had also been formal and there was nothing against the applicant even then the Board as well as the Appellate Court both have not appreciated the same and passed the erroneous 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 prosecutrix has made very clear statement against the applicant in her diary statement, therefore, the applicant is entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made. It is found mentioned in the impugned order that the victim of this case is a major girl and also that the applicant is disabled by 40%. The social status report does not make out any specific ground, which are required under the Proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 for rejection of bail to a juvenile. 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 18.08.2020, passed by learned Additional District & Sessions Judge, II (FTC) (POCSO Act), Durg, District – Durg (C.G.), in Criminal Appeal No.109/2020, 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 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 father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram