

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 628 of 2020

1. A child conflict with law Through natural Guardian B Father of child who conflict with law.
2. C child conflict with law Through natural guardian D Father of child who conflict with law.

Both are R/o Village- Sadgud, Randharipara, Thana- Parpa, District- Bastar (C.G.)

--- Applicants

Versus

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

--- Respondent

For Applicants : Mr. Vikas A. Shrivastava, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14/12/2020

1. Challenge in this revision petition is to the order dated 25.07.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Bastar at Jagdalpur (C.G.) in Criminal Appeal No. 20/2020, whereby the appeal preferred by the applicants/ juvenile against the order of Juvenile Justice Board, Bastar at Jagdalpur (C.G.) dated 24.06.2020, has been dismissed, whereby the applicants have been denied bail.
2. It is submitted that the applicants are innocent and have been falsely implicated in this case. The social status report given by the Probation Officer, had not been against these applicants and the same should have been appreciated by the Board as well

the appellate court and by not doing the same, both the courts below have committed error. Hence, interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicants.

3. Learned State counsel opposes the petition submitting that it is a case of commission of heinous offence of rape by these applicants and other major accused persons, therefore, the courts below have not committed any error in passing the rejection order, therefore, they are not entitled for grant of bail. Hence, it is prayed that this revision petition may be dismissed.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by the counsel from both the sides. The social status report given by the Probation Officer with respect to both these applicants, does not mention of any circumstance to show that the applicants shall be associated with criminal elements in case, they are released on bail or that they may be exposed to moral, psychological and physical danger or that their release on bail, will certainly defeat the ends of justice, which are the requirement under the proviso to Section 12 (1) the Juvenile Justice (Care and Protection of Children) Act, 2015. Grant of bail to juvenile under Section 12 (1) of the Act, 2015 is rule and rejection is exception, therefore, looking to the circumstances present, I am of this view that the order of rejection passed by the Board as well as the appellate

Court both are erroneous and need interference. Hence, for this reason, I feel inclined to allow this revision petition.

6. Consequently, the order dated 25.07.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Bastar at Jagdalpur (C.G.) in Criminal Appeal No. 20/2020, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- each along with a bond of same amount each, which is to be of their guardian/father, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants shall be given in custody of their natural guardian/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge