

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 629 of 2020**

Suraj Tiwari, S/o Late Ramsevak Tiwari, Aged About 16 Years, Through natural guardian mother Smt. Ganga Tiwari, Wife of Late Ramsevak Tiwari, R/o Mehman Koyala Depo, Behind Kabirstan, Shastri Nagar, Police Station- Chhawani, District- Durg (C.G.)

**--- Applicant**

**Versus**

State of Chhattisgarh, Through: The District Magistrate, Durg, District- Durg (C.G.)

**--- Respondent**

---

For Applicant : Mr. Praveen K. Dhurandhar, Advocate.  
For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

---

**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**24/11/2020**

1. Challenge in this revision petition is to the order dated 11.06.2020, passed by learned Additional Sessions Judge, Fourth Fast Track Court, Special Court POCSO Act, Durg, District- Durg (C.G.) in Criminal Appeal No. 84/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Durg, District- Durg (C.G.) dated 30.04.2020, 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 prosecutrix of this case has not identified the applicant in the test identification parade. The similarly placed co-accused persons namely Mangal Singh & Sonu Yadav, have

been granted bail by this Court. Although, the social status report mentions about the previous case against this applicant, but there are no details of the same, therefore, the report is not against this 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 the allegations against this applicant are regarding commission of heinous offence of abduction, dacoity, gang rape etc. Further, the social status report also mentions about his previous antecedents and the Board as well the appellate court, both have not committed any error in passing the rejection order, 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. It appears that the co-accused persons namely Mangal Singh & Sonu Yadav, have been granted bail by this Court and the offence against this applicant is similar. The social status report although mentions about his previous antecedents, but there is no detail given regarding previous offences registered

against him. Hence, on the ground of parity, I feel inclined to allow this revision petition.

6. Consequently, the order dated 11.06.2020, passed by learned Additional Sessions Judge, Fourth Fast Track Court, Special Court POCSO Act, Durg, District- Durg (C.G.) in Criminal Appeal No. 84/2020, 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/mother– Smt. Ganga Tiwari, 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**