

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 650 of 2020

- Rajat Tandi @ Bhavesh S/o Shri Jai Kumar Tandi Aged About 15 Years
Minor- Through His Mother- Smt. Kiran Tandi W/o Shri Jai Kumar
Tandi, Aged About- 40 Years, R/o Nehru Nagar, Near Shiv Mandir,
Police Station- City Kotwali Raipur, District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police
Station- Purani Basti Raipur, District- Raipur, Chhattisgarh

---- Respondent

For applicant	:	Mr. Rishi Rahul Soni, Advocate.
For Respondent	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

23/11/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 29.07.2020 (Annexure-A/1) passed by the learned Child Court / Additional Sessions Judge (FTC), Raipur, Chhattisgarh in Criminal Appeal No.186/2020, affirming the order dated 20.07.2019 passed by the Juvenile Justice Board, Mana Camp, Raipur, Chhattisgarh thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. He is in detention in juvenile home since 10.8.2019. The social status report had also been in his favor but the

Courts below have not appreciated the same. Another development that has taken place is that the material witnesses, who are eyewitness of the case, before the Juvenile Justice Board have not at all supported the prosecution case. In these circumstances, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that according to the prosecution case, this applicant is accused of offence of murder and the reasons that are mentioned in the impugned order are proper which need no interference.
4. I have heard both the parties and perused the documents present on record.
5. Gravity of an offence is never a criteria for denying bail to a juvenile and it can only be refused to a juvenile when the Court is of the opinion that releasing the juvenile will bring him in the association of some known criminals or he will be exposed to moral, physical or psychological danger or the ends of the justice will be defeated. The new development in the proceeding before the Juvenile Justice Board is also to be taken into consideration.
6. Considered on the submissions as well as the facts and circumstances of the case. This applicant, who is juvenile in conflict with law, has no criminal antecedent. 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, the orders passed by both the courts below are not sustainable and liable to be set aside.
7. Consequently, the revision is allowed. The orders dated 29.07.2020 & 20.07.2019 passed by the Courts below are set-aside and the prayer for release of the applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of the same amount, which is to be of his guardian/mother – Smt. Kiran Tandi to the

satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/mother.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha