

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 657 of 2020

- Abhishek Kumar Yadav S/o Shri Manoj Yadav, Aged About 16 Years, R/o Village Kochwahi, Tahsil Gurur, District Balod Chhattisgarh, Through Natural Guardian Manoj Yadav, Age About 46, R/o Village Kochwahi, Tehsil Gurur, District Balod Chhattisgarh., District : Balod, Chhattisgarh

---- Applicant/Revisioner

Versus

- State Of Chhattisgarh, Through Station House Officer, Thana City Kotwali, District Dhamtari Chhattisgarh., District : Dhamtari, Chhattisgarh

---- Non-applicant/Respondent

For Applicant – Shri Mahesh Mishra, Advocate.

For State/Non-applicant – Shri Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-11-2020

1. Heard.
2. This revision petition has been brought against the order dated 16-07-2020 passed in Criminal Appeal No.33/2020 by the Additional Sessions Judge (F.T.C.), Dhamtari, District Dhamtari, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board, Dhamtari.
3. It is submitted by learned counsel for the applicant that the applicant who is a juvenile in conflict with law was in fact having affair with the prosecutrix regarding which she has given favourable statement under Section 164 of the Cr.P.C. before the Magistrate and also before the Child Welfare Committee. The social status report had also been in favour of the applicant, even then the Board as well as the appellate Court both have not appreciated the same and passed erroneous order. Therefore, interference is prayed for.
4. Learned counsel for the State/non-applicant opposes the submission made by learned counsel for the applicant and submits that the prosecutrix has clearly supported the prosecution case in her statement under Section 161 of

the Cr.P.C. Therefore, learned Courts below have not committed any error. Hence, the revision petition may be dismissed.

5. Heard learned counsel for the parties and perused the documents.

6. Considered the submissions. Gravity of case against a juvenile in conflict with law is never a ground for consideration in grant or rejection of bail to him. The social status report is totally in favour of the applicant, which shows that he has no previous history, he is engaged in education and otherwise also no case is made out for rejection of bail prayer in accordance with under the provisions of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, I am of this view that the Board as well as the appellate Court have not passed the correct order and have failed to exercise the jurisdiction vested with them.

7. Therefore, the revision petition is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge