

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 656 of 2020

Vikash @ Tedi, S/o Sonu, Aged About 17 Years, Juvenile Child Through Natural Guardian Father Sonu Khatik, R/o Near Gausaiya Masjid, Camp -1, Bhilai, Tahsil and 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. Alok Nigam, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20/11/2020

1. Challenge in this revision petition is to the order dated 14.08.2020, passed by learned Additional Session Judge, Fourth Fast Track Court, Durg, District- Durg (C.G.) in Criminal Appeal No. 1727/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Durg, District- Durg (C.G.) dated 07.08.2020, 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 victim has suffered only simple injuries. Further, there is nothing specific in the social status report, on the basis of which, bail to the applicant should have been denied. 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 content of FIR and statement of the victim under Section 161 of the Cr.P.C., is sufficient to make out commission of offence by the applicant. Further, the social status report also mentions that the applicant is in influence of bad elements and he is required proper refinement, therefore, the courts below have not committed any error, 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 submission made by the counsel from both the sides. The gravity of the offence is never a ground for grant or rejection of bail under Section 12 of Juvenile Justice Act. The specific conditions have to be made out for rejection of bail. Firstly, there is likelihood that the applicant will be associated with criminal element or secondly, he may be exposed to moral, psychological and physical danger or in case, he is released on bail or that his release on bail will certainly defeat the ends of justice. On perusal of the report, it appears that no such circumstances have been clearly made out against this applicant. Hence, for this reason, I feel inclined to allow this revision petition.

6. Consequently, the order dated 14.08.2020, passed by learned Additional Session Judge, Fourth Fast Track Court, Durg, District- Durg (C.G.) in Criminal Appeal No. 1727/2020, 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/father – Sonu Khatik, 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