

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 647 of 2020

Juvenile in conflict with law, Through : Lakeshwar Bharti, S/o. Late Heeralal Bharti (Brother), aged about 21 years, R/o. Village Pahurbel Chowki Bakawand, P.S. Nagarnar, District Bastar (C.G.) (Since father died after order impugned)

---- Applicant

Versus

State of Chhattisgarh, Through- Collector, Bastar Place Jagdalpur, P.S. Nagarnar, District- Bastar, Chhattisgarh.

-----Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/11/2020

1. Challenge in this petition is to the order dated 04.07.2020, passed by A.S.J. (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal Appeal No.14/2020, whereby the appeal preferred by the applicant/juvenile against the order of Principal Magistrate, Juvenile Justice Board, Bastar, District – Bastar dated 13.11.2019 in Criminal Case No.14/2019, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted by the learned counsel for the applicant that the order passed by the Board as well as the appellate Court both are erroneous and it was not at all considered that there was no

circumstances present under Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000, because of which the prayer for grant of bail of the applicant could have been dismissed. The social status report was also in favour of the applicant, which was ignored. Hence, interference is prayed for by this revision.

3. State counsel opposes the petition and the grounds raised in this respect. It is submitted that the allegation against the applicant is with regard to commission of heinous offence of rape, therefore, he is not entitled for grant of bail and no error has been committed by both the Courts below.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made and also the facts of the case. The gravity of any case is not a ground for consideration in grant or rejection of bail in the juvenile matters. Social status report submitted by the Probation Officer is very clearly in favour of the applicant, therefore, there had been no circumstances made out as required under the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2000 for rejection of bail to a juvenile. Therefore, this Court is of the view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order dated 04.07.2020, passed by A.S.J. (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal Appeal No.14/2020, 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 brother 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 brother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram