

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 651 of 2020

- Dev Kumar Sahu S/o Vijay Sahu, Aged About 17 Years, R/o Kumharpara Supela Bhilai Police Station Supela Tahsil and District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through District Magistrate, Durg and S.H.O. Supela, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.P. Singh, Advocate.

For State/Respondent – Shri Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-12-2020

1. This revision petition has been brought challenging the order dated 07-09-2020 passed in Criminal Appeal No.116/2020 by the Additional Sessions Judge, 2nd Fast Track Special Court (POCSO Act) Durg, District Durg, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegation made by the prosecutrix are totally false. The applicant is juvenile, whereas the prosecutrix is major in this case. The social status report had been totally in favour of the applicant, even then the Board as well as the appellate Court both have not appreciated the same and passed the orders which are erroneous. Therefore, it is prayed that the revision petition be allowed and relief be granted to the applicant.
3. Learned counsel for the State/non-applicant opposes the submission and submits that there is allegation of commission of heinous offence of rape against this applicant. Therefore, the Board as well as the appellate Court both have not committed any error in passing the orders. Hence, revision petition may be dismissed.

4. Heard learned counsel for the parties and perused the documents.
5. Considered the submissions and facts of the case. According to the social status report given by the Probation Officer, it is found that there is nothing against the applicant and no circumstances made out on the basis of which the prayer for bail should have been refused by the Courts below. Hence, there is no ground made out under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act and therefore, I am of this view that the orders passed by the Board as well as the appellate Court refusing grant of bail to the applicant are erroneous.
6. 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