

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 646 of 2020

1. A child conflict with law.
2. B child conflict with law.
Through Natural Guardian C Uncle of children who conflict with law.
Both are R/o Village Kaklur, Thana Kodenar, District- Bastar (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through: District Magistrate Jagdalpur, District Bastar (C.G.)

--- Respondent

For Applicants : Mr. Vikash A. Shrivastava, Advocate.
For State/ Respondent : Mr. H.S. Ahluwalia, Dy. A.G.

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 25.08.2020, passed by learned Additional Sessions Judge (F.T.C.), Jagdalpur, District- Bastar (C.G.) in Criminal Appeal No. 25/2020, whereby the appeal preferred by the applicants/ juvenile against the order of Juvenile Justice Board, Jagdalpur, District- Bastar (C.G.) dated 17.06.2020, has been dismissed, whereby the applicants have been denied bail.
2. It is submitted that age of applicant No. 1 is 13 years and applicant No. 2 is 10 years only. These applicants have not directly participated in the incident and have been falsely implicated in this case. The social status report was also not

against these applicants, even then, the Board as well the appellate court, both have not appreciated the same and denied bail to the applicants, 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 applicants.

3. Learned State counsel opposes the petition submitting that the evidence shows that the applicants have participated in commission of heinous offence of murder, 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. It appears that the specific ground that was required to be made out for rejection of prayer of bail under Section 12 of the Juvenile Justice Care and Protection Act, does not appear to be made out. The order of rejection passed by the Board as well as the appellate Court both are erroneous and need interference, Hence, for this reason, I feel inclined to allow this revision petition.
6. Consequently, the order dated 25.08.2020, passed by learned

Additional Sessions Judge (F.T.C.), Jagdalpur, District- Bastar (C.G.) in Criminal Appeal No. 25/2020, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- each along with a bond of same amount each, which is to be of their guardian/uncle, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants shall be given in custody of their natural guardian/uncle.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun