

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 662 of 2020

- Roshan Sonwani(Juvenile), S/o Late Gangasagar Sonwani, Aged About 16 Years And 7 Months, R/o Village Pitaiband (Rajim), Police Station Rajim, District-Gariyaband, Chhattisgarh Through His Legal / Natural Guardian Grand Father Shri Devkaran Sonwani, S/o Shri Daulal Sonwani, Aged About 47 Years, R/o Village Pitaiband (Rajim), Police-Station-Rajim, District-Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Dhamtari, District-Dhamtari, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Shivendu Pandya, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

02/12/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 2.9.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, Dhamtari, Chhattisgarh in Criminal Appeal No.36/2020, affirming the order dated 26.08.2020 passed by the Juvenile Justice Board, Dhamtari, District-Dhamtari, Chhattisgarh thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely

implicated in this case. He is in detention in juvenile home since 14.8.2019. The applicant has no criminal antecedent. The social status report is also not altogether against him, but the Courts below have not appreciated the same. In these circumstances, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that according to the evidence present, this applicant has actively assisted the main accused in the abduction of minor prosecutrix, therefore, he is not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions and the facts of the case. On considering the social status report that has been given by the Probation Officer,
6. Considered on the submissions as well as the facts and circumstances of the case. This applicant, who is juvenile in conflict with law, has no criminal antecedent and the social status report given by the Probation Officer also in support of the applicant. There is no specific reason present according to the proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail prayer. The Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicants, hence, orders of both the courts below, are not sustainable, therefore, I feel inclined to allow the revision petition.
7. Consequently, the revision is allowed. The orders dated 2.9.2020 & 26.08.2020 passed by the Courts below are set-aside and the prayer for release of the applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of the same

amount, which is to be of his natural guardian – Shri Devkaran Sonwani to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/father.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha