

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 654 of 2020

- Sohit Sahu @ Bhakla, S/o Kaleshwar Sahu, Aged About 16 Years, Through Natural Guardian of his Father Kaleshwar Sahu, Son Of Dukalu Sahu, Aged About 55 Years, Resident Of Chek Post Bhadrapara Balkonagar , Tehsil and District Korba Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chouki CSEB , Police Station Kotwali District Korba Chhattisgarh.

---- Respondent

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CRR No. 661 of 2020

- Sohit Sahu @ Bhakla, S/o Kaleshwar Sahu, Aged About 16 Years Through Natural Guardian Of His Father Kaleshwar Sahu Son Of Dukalu Sahu, Aged About 55 Years, Residence Of Chek Post Bhadrapara Balkonagar, Tahsil and District-Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through , Police-Chouki CSEB, Police Station Kotwali, District-Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Vikash Pandey, Advocate.

For State/ Respondent : Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/12/2020

1. As the applicant in the above criminal revisions is one and the same, they are being decided by this common order.

2. Both the revision petitions have been brought against the common order dated 31.8.2020, passed by learned Additional Sessions Judge, FTC, Korba, District-Korba in Criminal Appeal No.23/2020 & Criminal Appeal No.22/2020.
3. In CRR No.654/2020 the applicant has been arrested and placed in detention for commission of crime under Sections 395, 398, 342 & 506 IPC, whereas in CRR No.661/2020 the applicant has been arrested and detained for commission of crime under Sections 399, 402 of IPC and 25/27 of Arms Act.
4. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in both the cases. In Crime No.696/2020, there is no evidence against this applicant, whereas Crime No.705/2020 is baseless and concocted. Applicant has been made accused only on the basis of memorandum statement given by other accused persons. The social status report is not wholly against the applicant. It is the father of applicant, who is seeking his custody. The impugned orders in both the petitions suffer from infirmity, therefore, they are not sustainable and hence, interference is prayed for. It is also prayed that these revision petitions may be allowed and the relief, as prayed for, may be granted to the applicant.
5. Learned State Counsel opposes the petitions submitting that the social status report mentions that if the applicant is released on bail, he may be associated with criminal elements in future, therefore, it is better to keep him under institutional care. No error has been committed by the Board as well as appellate court in passing the impugned orders warranting interference in exercise of revisional jurisdiction. Hence, the applicant is not entitled for grant of bail.

6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Considered on the submissions and the facts of the case. On perusal of the social status report, it is found that there is nothing against the parents and family of the applicant to show that any of them has any criminal history. On the contrary, it is mentioned in the report that the applicant needs proper care and reformation. The family atmosphere is usually found best for the growth and development of any child and since the applicant's father is seeking his custody and also ready to abide by any condition that may be imposed upon him, therefore, I am of this view that the Board as well as the appellate Court have committed error in passing the impugned orders. Hence, I feel inclined to allow both the revision petitions.
8. Consequently, the order dated 31.08.2020 passed by learned Additional Sessions Judge (FTC), Korba, District- Korba (C.G.) in Criminal Appeal Nos. 23/2020 & 22/2020, are set-aside. 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 guardian/father of applicant in both petitions, 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. On condition that he shall not allow the applicant to associate with any known criminal elements.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge