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HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 636 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - Mujgahan, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Respondent

AND

CRR No. 668 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh.

---- Respondent

AND

CRR No. 669 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh.

---- Respondent

AND

CRR No. 672 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh.

---- Respondent

AND

CRR No. 673 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), District : Raipur, Chhattisgarh.

---- Respondent

AND

CRR No. 703 of 2020

Sahil Kosale S/o Vimal Kosale Aged About 17 Years R/o H-107, Block Number 04, 1st Floor Himalyan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh), Through The Father (Natural Guardian) Vimal Kosale, S/o Aged About R/o H-107, Block Number 04, 1st Floor Himalayan Hights, Police Station - New Rajendra Nagar, District (Revenue And Civil) - Raipur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station D.D. Nagar, District (Revenue And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sumit Jhawar, Advocate
For Respondent/State	: Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-11-2020

Heard.

1. All these revision petitions are being decided by this common order as they are identical in which the applicant is same. These revision petitions have been brought against the orders dated 26.8.2020 and 16.9.2020 passed in Criminal Appeals No. 205 of 2020, 213 of 2020, 210 of 2020, 212 of 2020, 211 of 2020 and 209 of 2020 by the Learned Additional Sessions Judge (F.T.C.), Raipur upholding the judgment of conviction and sentence passed by the trial Court.
2. It is submitted by counsel for the applicant, who is common in all the cases, that the applicant is innocent and has been falsely implicated in these cases on the basis of the statement on memorandum given by the other co-accused persons, who happen to be the main accused in these cases, have been granted bail by the Court concerned. He is in detention at juvenile home since about six months. Learned Board as well as the Appellate Court both have committed error in passing the rejection orders. Hence, it is prayed that the relief be granted to the applicant in all the cases.
3. Learned counsel appearing for the respondent/ State opposes the submissions so made and submits, that it is a case in which the applicant was a member of a gang which has committed a number of offences of theft regarding which so many cases have been registered and investigated by the police. The social status report also does not

favour the applicant. Learned Board as well as the Appellate Court both have not committed any error. Hence, the revision petitions be dismissed.

4. Heard both counsel for the parties and perused the material available on record.
5. Considered the submissions and also the facts of the case. For the present, this applicant is in detention since about six months and the other accused persons who happened to be the main accused in these cases are on bail. Although, it has been expressed in the social status report that he may get associated with the criminal elements, if he released on bail, but the natural father, who is seeking his custody, is ready to comply with the conditions which may be imposed by this Court. There appears to be nothing against the natural father of the applicant and the other family members of the applicant in the social status report. Hence, for these reasons, I am of the opinion that it is a good case to grant relief to the applicant under the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000. Hence, for these reasons, all the revision petitions are allowed.
6. Consequently, the orders dated 26.8.2020 and 16.9.2020 passed by the Learned Additional Sessions Judge in all the cases is set aside. It is directed that the applicant in all the cases shall be released on bail on furnishing a surety of Rs.25,000/- each, alongwith a personal bond of the same amount by his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge