

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 674 of 2020

- Chandrapal Singh Sidar S/o Shri Chandan Singh Sidar (A-3 S/o B-3, Aged About 17 Years Mentioned In The Order Sheet) Minor Through Natural Guardian Father Namely Firat Sigh Sidar, aged about 43 years, R/o Qtr. I-50, Nagar Palik Nigam Colony, Kosabadi Korba, District Korba, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Outpost Manikpur, Police Station Kotwali, District Korba, Chhattisgarh

---- Respondent

For Petitioner : Mr. Anil Gulati, Advocate.

For State/respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-11-2020

Heard.

1. This petition is preferred against the order dated 05.10.2020 passed in Criminal Appeal No.29/2020, by the Additional Sessions Judge (F.T.C.) Korba, District- Korba, C.G., dismissing the appeal and upholding the order of bail rejection passed by Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the applicant had been falsely implicated in this case only on the basis of the memorandum statement given by the co-accused person. There is no recovery from this applicant. The learned Board as well as the appellate Court has committed error in rejecting the prayer of bail of this applicant. Therefore, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State opposes the application and submits that there is one similar case registered against this applicant for commission of offence under Sections 457 and 380 r/w 34 of I.P.C.,

which shows that the applicant is associated with criminal elements. The social status report also mentions that the applicant requires institutional care for his reform. Hence, the Courts below have not committed any error in passing the orders.

4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions, the gravity of the case against any applicant is not a criterion for grant or rejection of bail to the juvenile. Although, there appears to be one previous case registered against this applicant and also the report shows that he requires institutional care and protection, but at present, it is the father of the applicant, who seeks his custody and the social status report does not mention anything against him, therefore, the applicant will be best taken care of and protected in the family atmosphere and his further conduct may be assured by putting other conditions. Hence, for these reasons, I am of this view that the applicant is entitled for grant of bail.
6. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the father of the petitioner, he may be handed over in custody of his father, on condition that the applicant shall be taken care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.
7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Monika