

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 688 of 2020

1. A- Hemant Sinha S/o Ashwani Sinha Aged About 17 Years Through Legal Guardian Father Ashwani Sinha S/o Buddhu Ram R/o House Office No. 339, Patanpul Ward No. 07, Utai Tahsil And District Durg Chhattisgarh
2. B- Vaibhav Verma S/o Dev Prakash Verma Aged About 16 Years Through Legal Guardian Father Dev Prakash Verma S/o Lok Nath Verma, R/o Bazar Chowk Ward, Utai, Tahsil And District Durg Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh

---- Respondent

For Petitioner	:	Mr. T.K. Jha, Advocate.
For State/respondent	:	Mr. D.P. Singh, Dy. A.G.

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

27-11-2020

Heard.

1. This petition has been brought against the order dated 06.10.2020 passed in Criminal Appeal No.2050/2020, by the Additional Sessions Judge, Third Fast Track Court, Special Court, POCSO Act, Durg, District- Durg, C.G., dismissing the appeal and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicants that the applicants had been falsely implicated in this case. The learned Board as well as the appellate Court both have not considered the present documents and not considered social status report in which there had been nothing against the applicant on the basis of which the bail could have been refused. Therefore, impugned order before the Court suffers

from infirmity which needs interference by this Court.

3. Learned counsel for the State opposes the application and submits that the prosecutrix has clearly alleged about the participation of these applicants in the commission of offence of gang rape, therefore, it is a case of commission of heinous offence, therefore, the applicants are not entitled for grant of bail and the Court below have not committed any error.
4. Heard learned counsel for both the parties and perused the documents.
5. Considered on the submissions and facts of the case also on perusal of the social status report submitted by the Probation Officer with respect to both the applicants, it is found that on that basis neither of the circumstances which are required under the proviso to section 12(1) of Juvenile Justice Act are made out. Therefore, the refusal of the Courts below was not in accordance with the provision of law, hence, I am of this view that the impugned orders are not sustainable.
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 parents or guardian of the applicants, they may be handed over in custody of their parents or guardian, on condition that the applicants shall be taken care of, they should be made to devote to the studies and that they should not be allowed to associate with any criminal elements.
7. Accordingly, the petition stands disposed off.

Sd/-

(Rajendra Chandra Singh Samant)

Judge