

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 682 of 2020

- Homendra Kumar Banjare S/o Vinod Banjare, Aged About 17 Years, Minor Through his father Vinod Banjare S/o Late Tulsiram Banjare, Aged About 39 Years, R/o - Sangam Chowk Station Maroda Bhilai Police Station Newai District - Durg Chhattisgarh. (Name of the applicant is not mentioned in the Impugned order), District : Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through - SHO Police Station Newai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For State/Respondent – Shri D.P. Singh, Deputy Advocate General.

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

16-12-2020

Heard.

1. This revision petition has been filed against the order dated 06-10-2020 passed in Criminal Appeal No.2058/2020 by the Additional Sessions Judge 3rd F.T.C. Special Court (POCSO Act), District Durg, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order passed by the Juvenile Justice Board.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no evidence present regarding his participation in commission of offence by the other accused persons. There is nothing specific against the applicant in the social status report given by the Probation Officer on the basis of which his prayer for bail should have been refused by the Board or by the appellate Court. Therefore, the orders passed by the Courts below are erroneous. Hence, interference is prayed for.
3. Learned counsel for the State/non-applicant opposes the submission and submits that there is allegation of commission of serious offence against this applicant. The social status report mentions that the applicant is not under

discipline of his elders in the family. Therefore, no error has been committed by the Courts below. Hence, the revision petition be dismissed.

4. Heard learned counsel for the parties and perused the documents.

5. Considered the submissions and facts of the case. In the matter of granting bail to a child in conflict with law gravity of offence is not needed to be considered. On considering the social status report that has been given by the Probation Officer it is found that there is nothing specific to make out the circumstances, namely, that the applicant may be associated with known criminal elements in future or he may be exposed to moral, physical or psychological danger, or that his release on bail would defeat the ends of justice. Therefore, I am of this view that the Board and the appellate Court both have committed error in not appreciating this report in its true perspective.

6. Therefore, the revision petition is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian father of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian father.

Sd/-
(Rajendra Chandra Singh Samant)
Judge