

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 714 of 2020

Child "A" Abhidan in conflict with law, Through : Natural Guardian "B" Aasman Besara, father of child in conflict with law, age 17 Years, R/o. Village Dodrepal, Police Station Kotwali, Tahsil Bakawand, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate, District Bastar, Chhattisgarh, District : Bastar, Chhattisgarh

-----Respondent

For Applicant	: Mrs. Madhunisha Singh, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/12/2020

1. Challenge in this petition is to the order dated 25.08.2020, passed by A.S.J. (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal Appeal No.26/2020, whereby the appeal preferred by the applicant/juvenile against the order of Juvenile Justice Board, Jagdalpur at Bastar dated 24.06.2020 in Criminal Case No.21/2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The social status report had been in favour of the applicant even then, the same was not appreciated by the Board and by the appellate Court. Therefore, they have committed error. Hence, interference is prayed for by this revision.
3. State counsel opposes the petition and the grounds raised in this respect. It is submitted that the applicant is charged with

commission of heinous offence of abduction and rape of a minor prosecutrix, therefore, the Board and the appellate Court both have not committed any error in passing the impugned orders.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made and also the facts of the case. According to the social status report that has been given by the Probation Officer, it is found that not a single circumstance is made out, which is a requirement under the proviso to Section 12 (1) of Juvenile Justice (Care and Protection of Children) Act, 2000 for rejection of bail. Therefore, this Court is of the view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order 25.08.2020, passed by A.S.J. (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal Appeal No.26/2020, is set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of same amount, which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge