

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 700 of 2020

Rohit Kumar, S/o. Bineshwar Prasad, aged about 16 years, Minor, Represented through Father Bineshwar Prasad, S/o. Rajaram, aged about 56 years, R/o. Bapu Nagar, Zone-2, Sector-11, Khursipar, Bhilai, Police Station-Khursipar, Tahsil and District- Durg (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate/Station House Officer, Police Station- Khursipar, District - Durg (Chhattisgarh).

-----Respondent

WITH

CR.R. No. 698 of 2020

Rohit Kumar, S/o. Bineshwar Prasad, aged about 16 years, Minor, Represented through Father Bineshwar Prasad, S/o. Rajaram, aged about 56 years, R/o. Bapu Nagar, Zone-2, Sector-11, Khursipar, Bhilai, Police Station-Khursipar, Tahsil and District- Durg (Chhattisgarh).

---- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate/Station House Officer, Police Station- Khursipar, District - Durg (Chhattisgarh).

-----Respondent

For Applicant	: Mr. B.P. Singh, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/12/2020

1. Both the revision petitions are heard and decided together by this common order as the applicant in both the cases are one and same.
2. Challenge in these petitions are to the orders dated 07.09.2020, passed by A.S.J. (F.T.C.) Special Court (POCSO Act), Durg, District – Durg, in Criminal Appeal No.110/2020 and Criminal Appeal No.111/2020, whereby the appeals preferred by the

applicant/juvenile against the order of Juvenile Justice Board, Durg, District – Durg dated 08.08.2020 in Crime No.496/2020 and in Crime No.497 of 2020 respectively, have been dismissed, whereby the applicant has been denied bail.

3. In Cr.R. 700 of 2020, it is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no allegation of rape against this applicant. The social status report submitted by Probation Officer did not mention of any circumstances, which could have been made a ground for refusal of bail to the applicant. Therefore, the Board as well as the Appellate Court both have committed error. Hence, interference is prayed for by this revision.
4. In Cr.R. 698 of 2020, it is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The prosecutrix has made false allegation against the applicant. The applicant is school student he has no previous antecedents. Social report is also in his favour, which has not been appreciated by the Courts below. Hence, interference is prayed for by this revision.
5. State counsel opposes the petition and the grounds raised in this respect. It is submitted that there are two cases registered against the applicant. In Crime No. 497/2020, there is allegation of rape against this applicant. Whereas, in Crime No.496/2020 there is allegation in furtherance of common intention with the co-accused in commission of crime. The crime committed is of heinous in nature. Therefore, the Court below have not committed any error. Hence, it

is prayed that both the revision petition be dismissed.

6. I have heard the learned counsel for the parties and perused the documents placed on record.
7. Considered on the submissions made and also the facts of the case. Considering on the social status report of this applicant given by the Probation Officer, it is found that the report does not mention of any circumstances, which may be regarded as a ground to reject his prayer for grant of bail, thus, there is no circumstances available in accordance with the proviso to Section 12 (1) of Juvenile Justice (Care and Protection of Children) Act. 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.
8. Consequently, both the revision petitions are allowed. The orders dated 07.09.2020, passed by A.S.J. (F.T.C.) Special Court (POCSO Act), Durg, District – Durg, in Criminal Appeal No.110/2020 and Criminal Appeal No.111/2020 are 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