

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 705 of 2020

- Juvenile in conflict with law aged About 16 years, Through Fagunram Bharti S/o Late Sonuram Bharti, Aged About 55 Years (Father natural guardian), Both are R/o Dengpara Village Kumli P.S. Bhanpuri District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Revisioner/Applicant

Versus

- State of Chhattisgarh, Through - Collector Bastar Place Jagdalpur Police Station Bhanpuri, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent/Non-applicant

For Applicant/Revisioner – Shri Pravin Kumar Tulsyan, Advocate.

For State/Respondent – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2020

1. Heard.
2. This revision petition has been brought being aggrieved the order dated 24-09-2020 passed in Criminal Appeal No.28/2020 by the A.S.J.(F.T.C.)/ Child Court Bastar at Jagdalpur, Chhattisgarh dismissing the appeal filed by the applicant/revisioner and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. He has not committed any offence. The Board as well as the appellate Court both have considered on gravity of the case and not on the social status report which was totally in favour of the applicant. Therefore, the orders passed suffer from infirmity and are not sustainable. Hence, interference is prayed for.
4. Learned counsel for the State/respondent opposes the submission and submits that the prosecutrix in this case is minor and she has given statement regarding her physical relation with the applicant, which amounts to

commission of the offences registered against the applicant. The Courts below have not committed any error. Therefore, the revision petition be dismissed.

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

6. Considered the submissions and facts of the case. Gravity of offence is not a consideration for grant or rejection of bail under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. The social status report that has been given by the Probation Officer does not mention about any specific reason on the basis of which the bail should have been refused to the applicant, on the contrary the report appears to be in favour of the applicant which shows that the applicant should be handed over to his parents for his betterment. Therefore, I am of this view that the Board as well as the appellate Court both have committed error in passing the rejection orders.

7. 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