

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 704 of 2020

- Rajkumar Nishad S/o Sanjay Nishad, Aged About 15 Years, Student of Class 9th, through his natural guardian father Sanjay Nishad, Son of Bhulav Nishad, Aged About 42 Years, Resident of Village Padmi, Police Station and District Bemetara, Chhattisgarh.

---- Petitioner/Applicant

Versus

- The State of Chhattisgarh, Through - Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh

---- Respondent/Non-applicant

For Applicant/Petitioner – Shri Rajkumar Pali, Advocate.

For State/Respondent – Shri Adil Minhaj, 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 challenging the order dated 14-10-2020 passed in Criminal Appeal No.36/2020 by the Special Court (F.T.C.)/Child Court Bemetara, District Bemetara, Chhattisgarh dismissing the appeal filed by the applicant/petitioner 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. There is totally no evidence to make out a case under Section 307 of the IPC. The applicant has no criminal antecedent and he is also a student of class 9th. The social status report had been in favour of the applicant, even then the Board as well as the appellate Court have not appreciated the same and passed orders of rejection, which needs interference by this revision.
4. Learned counsel for the State/respondent opposes the submission and submits that the evidence is present against the applicant regarding commission of offence by him. Learned appellate Court as well as the Board 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. As it is in the report of the Probation Officer itself that the applicant is a student of class 9th, although there is mention of some previous incident but there is no police case regarding that incident as the same was resolved in the village society itself. Therefore, I am of this view that there was nothing specific present in the social status report which should have been made a ground for refusal to grant of bail to the applicant. Therefore, I am of this view that the orders passed by the Board as well as the appellate Court are erroneous, which needs interference.

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