

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 709 of 2020

- Juvenile in conflict with law, Through Natural Guardian Kursoram Baghel (Father), R/o Village Ulnar Pujari Para, P.S. Nagarnar District Bastar Chhattisgarh., District : Bastar (Jagdalpur), Chhattisgarh

---- Revisioner/Applicant

Versus

- State of Chhattisgarh, Through P.S. Nagarnar, 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 challenging the order dated 29-09-2020 passed in Criminal Appeal No.29/2020 by the Additional Sessions Judge (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. There had been nothing against the applicant in the social status report given by the Probation Officer, which was not appreciated by the Board as well as the appellate Court. Both Courts have given consideration to the allegation present against this applicant which is not meant to be considered while considering on grant of bail under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, the orders passed are erroneous. Hence, interference is prayed for.
4. Learned counsel for the State/respondent opposes the submission and submits that the Board as well as the appellate Court both have not committed any error. The statement given by the prosecutrix under Section 164 of the

Cr.P.C. is clear against the applicant. Therefore, the applicant is not entitled for grant of bail.

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

6. Considered the submissions and facts of the case. Specifically on perusal of the social status report it is found that there was nothing specific against the applicant present in the report given by the Probation Officer to make out a case of rejection of bail prayer under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. It appears that the Courts below have considered on the gravity of the offence which is never a ground for consideration under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, I am of this view that the orders passed by the Board as well as the appellate Court refusing grant of bail to the applicant are erroneous.

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