

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 725 of 2020

Minor Mohammad Rafik, S/o Shekh Hussain, Aged About 15 Years, Occupation Student, Through His Legal (Natural) Guardian/ Mother- Santoshi Kanwar @ Shakila Bee, W/o Shekh Hussain, Aged About 30 Years, R/o Mangal Bazar Kharsia, Tahsil and Police Station- Kharsia, District- Raigarh (C.G.)

--- Applicant

Versus

1. State of Chhattisgarh, Through S.H.O. of the Police Station- Kharsia, District- Raigarh (C.G.)
2. State of Chhattisgarh, Through District Magistrate Raigarh, Tahsil and District- Raigarh (C.G.)

--- Respondents

For Applicant : Mr. Abhishek Saraf, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/12/2020

1. Challenge in this revision petition is to the order dated 05.11.2020, passed by learned Additional Sessions Judge (F.T.C.) Raigarh, District- Raigarh (C.G.) in Criminal Appeal No. 63/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Raigarh, District- Raigarh (C.G.) dated 21.10.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case because of the enmity with family of the victim. There had been nothing against this applicant in the social status report, because of which, his prayer for grant of bail should have

been refused by the Board as well as the appellate court. The impugned order and the order of the Board, are erroneous, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that according to the social status report, it is mentioned that the applicant is not under discipline of his elders in the family. Therefore, the Board as well the appellate court, both have not committed any error in passing the rejection order, therefore, he is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made by the counsel from both the sides. It is found at present that it is mother of the applicant, who is seeking his custody, age of the applicant is only 15 year and he has no previous criminal antecedent. Apart from that, the specific circumstances that are required to be present for rejecting the bail, in accordance with proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, are not found present, therefore, I am of this view that the order of rejection passed by the Board as well as the appellate Court both are erroneous and need interference. Hence, for this reason, I feel inclined to allow this revision petition.
6. Consequently, the order dated 05.11.2020, passed by learned

Additional Sessions Judge (F.T.C.) Raigarh, District- Raigarh (C.G.) in Criminal Appeal No. 63/2020, 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 guardian/mother 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 natural guardian/mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge