

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 721 of 2020

Ashwani @ Papu Sahish, S/o Abdul Sahish, Aged About 17 Years, Resident of Indranagar, Tamnar, District- Raigarh (C.G.), through the Father (Natural Guardian) Abdul Sahis, son of Late Shri Mahish Ram, Aged About 51 Years, Resident of Indranagar, Tamnar, District- Raigarh (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Punjipathra, District- Raigarh (C.G.)

--- Respondent

For Applicant : Mr. Vinod Kumar Tekam, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/12/2020

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. 62/2020, 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. The social status report has been in favour of the applicant, which has not been appreciated by the Board as well as the appellate court and bail was denied to the applicant. The natural guardian father seeks his custody and he is ready to take

care of the applicant and protect him from criminal elements. 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 this is second offence registered against this applicant. Earlier, the offence committed by the applicant, which is Crime No. 279/2020 registered by Police Station- Tamnar, District- Raigarh, is of similar nature, which shows that the applicant is in direction of becoming habitual offender and it has also been observed by the appellate court that the applicant is having association with the major criminal elements. 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. The gravity of offence cannot be a ground for rejection of bail under Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The social status report mentions that the applicant is student of Class-XII and his father is seeking his custody, therefore, the family atmosphere may bring better development in him and also shall be good for his future prospects. The Board as well the appellate court, both

have not considered these factors and rejected bail application erroneously. 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. 62/2020, 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/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 natural guardian/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge