

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 728 of 2020

- Sahil Kumar Manikpuri @ Sonu S/o Ramdhan Manikpuri, Aged About 17 Years, Through Natural Legal Guardian Father Ramdhan Manikpuri, Son of Late Suddhu Ram, Aged About 38 Years, Both are Resident of Driver Colony, P.S. Chirmiri, District Korea, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Chirmiri, District Korea, Chhattisgarh

---- Respondent/Non-applicant

For Applicant – Shri Purnendra Khichariya, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-12-2020

1. Heard.
2. This revision petition has been filed against the order dated 29-09-2020 passed in Criminal Appeal No.04/2020 by the Special Judge (POCSO) Fast Track Special Court, Manendragarh, District Korea Chhattisgarh dismissing the appeal filed by the applicant 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 because of the enmity with family of the victim. Age of the applicant is below 15 years, he is student of class 10th. He has not committed any offence. The social status report had been in favour of the applicant even then the same was not appreciated by the Board and also by the appellate Court. Hence, the orders of rejection passed by the Courts below are erroneous. Therefore, interference is prayed for by this revision petition.
4. Learned counsel for the State/respondent opposes the submission and submits that the victim in this case is a child of age 6 years and the allegations against the applicant are of serious nature. Therefore, the Courts below have not committed any error in passing the orders of rejection. Hence, the revision

petition may be dismissed.

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

6. Considered the submissions and also facts of the case. The social status report which has been submitted by the Probation Officer with respect to this applicant does not mention of any circumstance which can be made a ground for rejection of bail prayer by a juvenile. Therefore, I am of this view that by ignoring this report the Board and also the appellate Court both have committed error.

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