

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1057 of 2019

- Devraj Kshatriya @ Chhote Kshatriya S/o Shri Suresh Kshatriya, Aged About 16 Years (not mentioned in the order sheet), R/o Village Chunabhatthi, Near Satbahiniya Mandir, P.S. Ganj, District Raipur Chhattisgarh through his natural guardian father Suresh Kshatriya S/o Shri Ravi Kshatriya, Aged About 45 Years, R/o Village Chunabhatthi, Near Satbahiniya Mandir, P.S. Ganj, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Ganj, Civil and Revenue District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

--- Respondent

For Applicant– Shri Dashrath Kushwaha, Advocates.

For State/respondent – Shri Avinash K. Mishra, Panel Lawyer.

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

28-01-2020

Heard.

1. This revision has been brought challenging the impugned order dated 30-07-2019 passed by the Court of 7th Additional Sessions Judge, Raipur, Chhattisgarh in Criminal Appeal No.396/2019 dismissing the appeal and upholding the order of the Juvenile Justice Board dated 01-07-2019 rejecting the bail application of the applicant.
2. It is submitted that the applicant is a juvenile in conflict with law and he has no criminal antecedent. True spirit of Section 12 of the Juvenile Justice (Care and Protection of Children) Act has not been followed by the Juvenile Justice Board nor the appellate Court. Therefore, the impugned order is suffering from infirmity and prayer is made to set aside the same and grant bail to the applicant.
3. Learned counsel for the State/respondent opposes the submission and submits that there is charge of commission of heinous offence against the applicant. Therefore, he is not entitled for grant of bail.

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

5. The applicant is being prosecution for offence under Section 376(2)(ढ), 450, 506 of the IPC and Section 04, 06 of Protection of Children from Sexual Offences Act, 2012. Although the allegations against the applicant are of serious nature, but this is the fact that he has no criminal antecedent and also there appears to be no possibility that he will be living with association of any criminal elements in future. It is father of the applicant who is praying for custody of the applicant where the applicant can be kept under control and discipline. Therefore, I am of this view that the Juvenile Justice Board and the appellate Court have not appreciated the facts, circumstances and the provisions of law correctly.

6. Therefore, the revision petition is allowed and 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 his parent or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his parent or guardian.

Sd/-
(Rajendra Chandra Singh Samant)
Judge