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HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1263 of 2019

Yogendra Dewangan S/o Bharosa Ram Dewangan Aged About 20 Years Through His Natural Guardian Father Bharosa Ram Dewangan, S/o Goverdhan Dewangan, Aged About 50 Years, Caste Dewangan Koshta, Both Are R/o Village Ward No. 15, Indira Nagar Kurud, Tahsil And Tahsil Kurud, District Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kurud, Dhamtari, Civil And Revenue District - Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pushpendra Kumar Patel, Advocate
For Respondent	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-08-2020

1. This revision petition has been preferred against the judgment dated 19.9.2019 passed in Criminal Appeal No. 89 of 2019 by the Learned Additional Sessions Judge (FTC), Dhamtari, dismissing the appeal and upholding the order of Juvenile Justice Board, by which the application for bail filed by the applicant was dismissed.
2. It is submitted by counsel for the applicant that the Juvenile Justice Board as well as the Appellate Court both have committed error in rejecting the bail application filed by this applicant. It is further submitted that there had been nothing adverse against the applicant in the social status report. On the other hand, there had been a recommendation for grant of bail to the applicant, therefore, interference is prayed for.

3. Learned State counsel opposes the submissions made and the grounds raised in the revision petition. It is submitted by the State counsel that the applicant is being prosecuted for the commission of a heinous offence, therefore, the Board as well as the Appellate Court have not committed any error. Hence, the revision be dismissed.
4. Heard counsel for both the parties and perused the documents.
5. Considered the submissions. The gravity of offence can never be a consideration for grant of bail. The conditions in which the bail can be refused are specified in the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The social status report submitted does not make out any such circumstance present that the applicant is likely to be associated with any criminal elements or that he can be exposed to moral, physical and psychological danger or that his release shall defeat the ends of justice. The Courts below have not appreciated this report and passed orders under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, mechanically, therefore, I feel inclined to allow this revision petition.
6. Consequently, the orders dated 19.9.2019 and 4.9.2019 passed by the Learned Additional Sessions Judge (FTC) as also the Juvenile Justice Board are set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his father or guardian alongwith a personal bond to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then he shall be given in custody of his father or guardian.

Sd/-

(Rajendra Chandra Singh Samant)
Judge