

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1319 of 2019

- Pilesh Sahu, S/o Mukhi Ram Sahu, Aged About 17 Years, R/o Village Chimra, Police Station and Tahsil-Kawardha, District- Kabirdham, Chhattisgarh Through Natural Guardian Father Shri Mukhi Ram Sahu, S/o Dhanaji Sahu, Aged About 52 Years, R/o Village-Chimra, Police Station and Tahsil-Kawardha, District- Kabirdham, Chhattisgarh.,

---- Applicant

Versus

- State of Chhattisgarh Through District-Magistrate, Kawardha, District- Kabirdham, Chhattisgarh and also Through Police-Station-Kawardha, District- Kabirdham, Chhattisgarh.

---- Respondent

For applicant	:	Mr. P. K. Patel, Advocate.
For Respondent	:	Mr. Avinash K. Mishra, Panel Lawyer.

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

30/01/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 27.9.2019 passed by the learned Sessions Judge, Kabirdham (Kawardha), District-Kabirdhan, Chhattisgarh, dismissing the appeal filed by the petitioner under Section 29 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act, 2015').
2. It is submitted that the applicant is being prosecuted for the offence under Sections 302, 201, 34 of IPC before the Juvenile Justice Board, Kabirdham. His application for grant of bail under Section 12 of the Act, 2015 has been erroneously rejected by the Board and subsequently the appeal filed against that order has also been dismissed erroneously. There is no evidence regarding participation of this applicant in the commission of offence. The applicant does not have any criminal antecedent or association with criminal elements,

therefore, order passed by the Courts below are not sustainable and liable to be set aside. Hence, it is prayed that application be allowed and the applicant be granted bail.

3. Learned State Counsel opposes the application and submissions made in this respect. It is submitted that as per memorandum statement given by the main accused, this applicant has directly participated in the commission of offence of murder, hence, the revision petition is liable to be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Keeping in mind the provision of Section 12 of the the Act, 2015 which very clearly provides that bail is a rule whereas rejection of bail of a juvenile is an exception, and considering the evidence that is present in the case diary against this applicant; the social status report submitted by the Probation Officer, which appears to be in favour of applicant, and further considering the fact custody of applicant is being sought by his father, I am of this opinion that the applicant is entitled to be released on bail and given in custody of his parents.
6. Consequently, this petition is allowed at the motion stage itself. The impugned orders passed by the appellate Court as well the Juvenile Justice Board are set aside and the application for grant of bail to the petitioner herein is allowed. It is directed that the petitioner shall be released on bail, upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Kabirdham (Kawardha) with an undertaking of his father that he will take care of the applicant and keep him away from the company of known criminals. The petitioner shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge