

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1330 of 2019

Sanjay Dhritlahre, S/o Shri Dharam Das Dhritlahre, Aged About 17 Years, Through: Legal Guardian Father Shri Dharam Das Dhritlahre, S/o Late Mansa Ram Dhritlahre, Aged About 60 Years, R/o Village Sankra, Post Office Tarpongi, Police Station Tilda, Tahsil Tilda, District-Raipur (C.G.)
--- Applicant

Versus

State of Chhattisgarh, Through: Police Station: Tilda Nevra, District-Raipur (C.G.)
--- Respondent

For Applicant : Mr. Dashrath Kushwaha, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20/11/2020

1. Challenge in this revision petition is to the order dated 26.09.2019, passed by 7th Additional Session Judge, Raipur, District- Raipur (C.G.) in Criminal Appeal No. 466/2019, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Mana, District- Raipur (C.G.) dated 13.09.2019, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the social status report was not against the applicant, even then, the Board as well the appellate court, both have not appreciated the same and denied bail to the applicant, therefore, the impugned order and the order of the Board suffer from infirmity, 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 the applicant has committed heinous offence of rape and abduction, therefore, the courts below have not committed any error, 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 submission made by the counsel from both the sides. The social status report is in favour of the applicant and it appears that the specific ground that was required to be made out for rejection of prayer of bail under Section 12 of the Juvenile Justice Care and Protection Act, does not appear to be made out. Hence, for this reason, I feel inclined to allow this revision petition.
6. Consequently, the order dated 26.09.2019, passed by 7th Additional Session Judge, Raipur, District- Raipur (C.G.) in Criminal Appeal No. 466/2019, 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 – Dharam Das Dhritlahre, 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