

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1308 of 2019

- Siyaram Baghel, S/o Mangal Ram, Aged About 16 Years(Minor), Present Through his guardian Brother - In – Law,(Jija), Manu Ram Baghel, S/o Late Boga Ram Baghel, Aged About 30 Years, R/o Aasna Police-Station-Kotwali, District-Bastar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through District Magistrate, Bastar, Place-Jagdalpur, District - Bastar (C.G.) and also through Police Out post-Bastar, Police-Station-Kotwali, Jagdalpur, District-Bastar, Chhattisgarh.

---- Respondent

For applicants	:	Mr. P. K. Patel, Advocate.
For Respondent	:	Mr. Arijit Tiwari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

27/01/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 21.6.2019 passed by the learned 3rd Additional Sessions Judge(FTC), Bastar at Jagdalpur, dismissing the appeal filed by the applicant 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 a child in conflict with law. The social status report given by the Probation Officer was favorable and on that basis the applicant was entitled for grant of bail. However, the Juvenile Justice Board and the appellate Court both have committed error in rejecting the application of the applicant. 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 the learned appellate Court

has very well observed in the impugned order that the applicant had repeatedly committed the offence of rape with minor victim and in the event of his release there is every possibility of the applicant being put to mental, physical and psychological danger. There is no error in the impugned order and the order passed by the Juvenile Justice Board, hence, the revision petition be dismissed.

4. I have heard both the parties and perused the documents present on record.
5. The applicant is being prosecuted for offences under Sections 363, 366 & 376 of IPC and Section 6 of the POCSO Act before the Juvenile Justice Board at Jagdalpur. In the social status report, it has been reported by the Probation Officer that the applicant is not mature and his mental capacity is undeveloped. He has no criminal antecedent and if he is given in custody in his parents, there is no likelihood of his coming into association with known criminals. The learned Juvenile Board and the appellate Court both have not relied upon this report and held otherwise for rejecting his application.
6. Section 12 of the the Act, 2015 very clearly provides that bail is a rule whereas rejection of bail of a juvenile is an exception. On the basis of the social status report submitted, the applicant had entitlement to be released on bail and given in custody of his parents.
7. 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 applicant is allowed. It is directed that the applicant shall be released on bail, upon furnishing a personal bond by his natural guardian, in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Jagdalpur 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 applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha