

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1359 of 2019

1. Vikas Yadav, S/o Ramesh Yadav, Aged About 14 Years, Occupation Student, Through Natural Guardian of his Grandfather Banshidhar Yadav, S/o Amrit Yadav, Aged About 66 Years, R/o Village-Pachaval, Police-Station-Sanaval, District-Balrampur-Ramanujganj, Chhattisgarh.
2. Ravindra Yadav, S/o Dinanath Yadav, Aged About 14 Years, Occupation Student, Through Natural Guardian of his father Dinanath Yadav, S/o Ramadhar Yadav, Aged About 42 Years, R/o Village Pachaval, Police-Station-Sanaval, District-Balrampur-Ramanujganj Chhattisgarh.

---- Applicants

Versus

1. State of Chhattisgarh Through District Magistrate, District - Balrampur Ramanujganj, Chhattisgarh, Represented Through Police-Station-AJK, Balrampur, District -Balrampur, Ramnujganj, Chhattisgarh.

---- Respondent

For applicants	:	Mr. Vikash Pandey, Advocate.
For Respondent	:	Mr. Priyanshu Gupta, Panel Lawyer.

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

14/02/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 10.10.2019 (Annexure-A/1) passed by the learned Sessions Judge, Balrampur (CG) in Criminal Appeal No.38/2019 by which the order passed by the Juvenile Justice Board, Balrampur rejecting application filed by the applicant for releasing him on bail, was upheld.

2. It is submitted by the learned counsel for the applicants, that the Board and the appellate Court both have not appreciated the provision under Section 12 of the Juvenile Justice (Care and Protection Act) 2015 in its true spirit although there had been social status report in favor of the applicant. The applicants are students of Class-VI and they want to remain in custody of their parents, therefore, it was a fit case where they should have been benefited with grant of bail. Hence, it is prayed that this revision be allowed, the impugned orders be set aside and the applicants be released on bail.
3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that the applicants are charged with commission of a heinous offence of gang rape, therefore, they are not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. Both the applicants are aged about 14 years and they are juvenile in conflict with law. It is well settled that while considering the bail application of a juvenile, the gravity of offence committed is not to be looked into. The grounds on which a bail can be rejected are mentioned in Section 12 of the Act, 2015. There is no such specific mention in the social status report given by the Probation Officer which can be said to be adverse. The Courts below taking into consideration the gravity of offence have rejected the bail application of applicants and thereby committed mistake. In the considered opinion of this Court, it was a fit case for grant of bail to the applicants.
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 applicants herein is allowed. It is directed that the applicants shall be released on bail, upon furnishing a personal bond by their natural guardian i.e. grandfather of applicant No.1 & father of applicant No.2, in the sum of Rs.25,000/- each, with one surety in the like sum to the satisfaction of the Juvenile Justice Board, Balrampur with an undertaking that they will take care of the applicants and keep them

away from the company of known criminals. The applicants shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha