

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1511 of 2019

- Shubham Yadav @ Bam S/o Shri Demu Chand Yadav Aged About 17 Years Through Natural Guardian Father Shri Demu Chand Yadav , R/o Jorapara, Near Thakurdev Mandir , P.S. Moudahapara, District Raipur Chhattisgarh...(Juvenile).

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Raipur , District Raipur Chhattisgarh...(Respondent).

---- Respondent

For applicant	:	Mr. Keshav Prasad Gupta, Advocate.
For Respondent	:	Mr. Sudeep Verma, Dy. Govt. Advocate.

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

16/06/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 14.11.2019 (Annexure-A/1) passed by the 9th Additional Sessions Judge, Raipur, Chhattisgarh in Criminal Appeal No.531/2019, in which, the order of Juvenile Justice Board rejecting prayer for grant of bail on the applicant was upheld.
2. It is submitted by the learned counsel for the applicant, that applicant, is innocent child in conflict with law and has been falsely implicated in this case. The learned Board and the appellate Court both have erroneously appreciated the social status report, which is actually in favor of the applicant. It is mentioned in the report that there was no circumstance which may expose the applicant to any psychological danger; there is need to engage the applicant in creative activity and that the applicant is the first offender. The provision under Section 12 of the Juvenile Justice (Care & Protection of Children) Act has not

been followed in letter and spirit. Hence, it is prayed that application be allowed and the applicant be granted bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that the learned appellate Court has made observation in the order impugned that the applicant is not in the control of his family members and he is having friendship with criminal elements, therefore, the applicant requires institutional care. Thus, the learned Board and the appellate Court both have not committed any error in passing order of rejection of bail to the applicant, therefore, no interference is needed.
4. I have heard both the parties and perused the documents present on record.
5. As alleged that, the applicant, who is a juvenile in conflict with law, along with main accused, who is major, had engaged himself in the commission of offences punishable under Sections 294, 506B, 324, 326, 341, 307, 34 of IPC.
6. It has been informed by the learned counsel for applicant, that the major accused has been granted bail by this Court vide order dated 3.3.2020 passed in MCrC No.612/2020.
7. On perusal of the social status report, which is filed along with the petition, it is found that the report is not altogether against this applicant. Other favorable circumstances are these, that there is no previous antecedent of this applicant and it is the natural father of applicant who is seeking custody of applicant. In these circumstances, I am of view that there had been no exceptional circumstance as provided under Section 12 of the Act, 2000 based on which his application should have been rejected. The Board as well as the appellate Court both have committed error in passing the orders of rejection. Hence, revision petition deserves to be allowed and the impugned orders are liable to be set aside.
8. Consequently, this revision 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 herein is allowed. It is directed that the applicant be given in custody of his natural father upon furnishing a personal bond by his natural guardian i.e. father, in the sum of Rs.25,000/-, with one surety of the like sum to the satisfaction of the Juvenile Justice Board, Raipur. The father of applicant shall also furnish an undertaking that he will take care of the applicant and ensure that his son does not come into contact with any criminal or bad elements in the society. The applicant shall appear before the Board concerned as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha