

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1551 of 2019

- Sampat Binjhar, S/o Dhirsai Binjhar, Aged About 17 Years, Through Natural Legal Guardian Father Dhirsai Binjhar, Son Of Sukul Binjhar, Aged About 54 Years, Resident of Linepara, Bagbuda, Police-Station-Lemru, District-Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station-Lemru, Korba, Civil and Revenue District-Korba, Chhattisgarh.

---- Respondent

For applicant	:	Mr. P. K. Patel, Advocate.
For Respondent	:	Mr. Roshan Dubey, Panel Lawyer.

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

07/02/2020

Heard.

1. This revision petition has been brought being aggrieved by the order dated 6.11.2019 passed by the learned Additional Sessions Judge (FTC), Korba (CG) in Criminal Appeal No.70/2019 thereby dismissing the appeal filed by the applicant and upholding the order of Juvenile Justice Board, Korba refusing to release the applicant on bail.
2. It is submitted that the applicant is a juvenile in conflict with law. He is in Observation Home since 1.7.2019. There is no such report given by the Probation Officer which may be regarded as against the applicant. There is no evidence on record to form an opinion that release of applicant would bring him in association with criminal elements or such a release would expose to him to mental, physical and psychological danger or defeat the ends of justice. Thus, the impugned orders passed by the Courts below being contrary to the intention of law are not sustainable and liable to be set aside. Hence, it is prayed that this

revision be allowed, the impugned orders be set aside and the applicant be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that learned appellate Court has very clearly observed that there is possibility that this applicant may go in association of criminal elements and that his guardians have no control over him. It is also submitted that there is one criminal antecedent of this applicant in which FIR was lodged for commission of offence under Section 354 of IPC against him, therefore, he is not entitled for grant of bail.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the entire material present in the case diary. The social status report appears to be in favor of the applicant. The custody of applicant is being prayed by the father of applicant, who himself is not an accused in this case. The provision of Section 12 of the Juvenile Justice (Care and Protection Act) very clearly speaks that bail is a rule and rejection is an exception. In these circumstances, I am of this opinion that the view taken by the Courts below is without support of any material present in the case diary.
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 applicant herein is allowed. It is directed that the applicant 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, Korba 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