

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1573 of 2019

- Human Dhruv S/o Shri Manohar Dhruv, Aged About 17 Years, Aged About 17 Years 6 Months, Through Natural Guardian Father Shri Manohar Dhruv, R/o Village Bhaismudi, P.S. Kharora, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through The District Magistrate, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

--- Respondent

For Applicant– Shri Keshav Prasad Gupta, Advocate.

For State/Respondent – Shri Sudhir Sahu, Panel Lawyer.

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

12-03-2020

Heard.

1. This revision has been brought challenging the impugned order dated 27-11-2019 passed by the Child Court, 9th Additional Sessions Judge, Raipur, District Raipur, Chhattisgarh in Criminal Appeal No.552/2019 dismissing the appeal under Section 101 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act, 2015').
2. It is submitted that the applicant is innocent and has been falsely implicated. The social status report given, was in favour of the applicant and that the applicant is in need of care and protection of his own parents therefore, father of the applicant himself has filed the application under Section 12 of the Act, 2015 which was erroneously rejected by the Board and subsequently the appeal has also been erroneously dismissed. Hence, it is prayed that the applicant may be granted bail by exercising revisional jurisdiction.
3. Learned counsel for the State/respondent opposes the petition submitting that the allegation against the applicant is of grave nature regarding commission of offence of murder, therefore, he has no entitlement for bail.

4. Heard learned counsel for the parties and perused the documents.

5. The applicant is a juvenile in conflict with law and he is being prosecuted for commission of offence under Section 363, 302, 201 of the IPC in the incident of murder of a child aged 6 years. The gravity of offence is never a consideration in grant or rejection of bail to a juvenile. Section 12 of the Act, 2015 mandates that grant of bail is rule, whereas, rejection is exception and that too if there are specific reasons for doing so. The social status report mentions that the applicant has no previous antecedent and there is no danger of his being exposed to psychological and other dangers, therefore, on the basis of this report, the applicant was entitled for grant of bail. Hence, rejection of his prayer by the Board and the appellate Court appears to be erroneous. Therefore, this revision petition deserves to be allowed.

6. Therefore, the revision petition is allowed and disposed off at the motion stage. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian father of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, then the applicant shall be given in custody of his natural guardian father.

Sd/-
(Rajendra Chandra Singh Samant)
Judge