

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 1586 of 2019**

- Aakash Kurrey S/o Chhannulal Kurrey, Aged About 17 Years, R/o Mini Basti Jarhabhatha, Ward No. 07, Police Station Civil Line Bilaspur Chhattisgarh....(Juvenile Custody), District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line Bilaspur District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**

**CRR No. 1612 of 2019**

- Lucky Jangde S/o Janakram Jangde, Aged About 13 Years (Minor) Through Guardian/mother Biras Bai Jangde W/o Janakram Jangde, Aged About 41 Years, R/o Mini Basti Jarhabhata, Ward No. 7, Police Station Civil Line, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Civil Line, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

**---- Respondent**

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For Applicant– Shri Amit Singh Chauhan, Advocate (in CRR 1586/2019),  
Shri Rohitashva Singh, Advocate (in CRR No.1612/2019).  
For State/Respondent – Shri D.P. Singh, Deputy Advocate General.

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

**05-08-2020**

Heard.

1. As both these criminal revisions arise out of the same crime number, they are being decided by this common order.
2. Both these criminal revisions have been preferred against the impugned order dated 22-11-2019 passed in Criminal Appeal No.228/2019 by the Additional Sessions Judge (F.T.C.), District Bilaspur, Chhattisgarh dismissing the appeal and upholding the order of the Juvenile Justice Board by which the prayer for bail made by the applicants in both these cases was rejected.
3. It is submitted by learned counsel for the applicants in both the cases

that the applicants are in detention in observation home since about one year. The proceeding against them has not completed. The social status report given for both the applicants was not totally adverse, the Juvenile Justice Board as well as the appellate Court both have not appreciated the same and without there being any ground for rejection have rejected the prayer made by the applicants. Therefore, it is prayed that interference is required.

4. Learned counsel for the State/respondent opposes the submission made on behalf of the applicants and submits that there is mention in the social status report regarding applicant Aakash Kurrey, that he has been placed in detention for six times, which shows that he has criminal antecedents. Apart from that, the offence committed by the applicants is of grave nature, therefore, no error has been committed by the Courts below. Hence, both the revision petitions be dismissed.

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

6. Both the applicants are juvenile in conflict with law and they are being proceeded against before the Juvenile Justice Board for commission of offence under Section 307 read with Section 34 of the IPC and Section 25 of Arms Act. Gravity of offence is although not a criteria for dismissing the prayer for bail, but in cases where it appears that the juvenile after release on bail will be associated with criminal elements or will be exposed to moral, psychological and other dangers, or that the ends of justice would be defeated, in such cases the order of dismissal should be passed. In the matter of applicant Aakash Kurrey it is found that he has criminal antecedents which clearly indicate that no correction or improvement has been found or made with respect to this applicant, therefore, his release on bail would certainly defeat the ends of justice. However, there is no previous antecedent against applicant Lucky Jangde (applicant in Criminal Revision No.1612/2019) and there is no specific reason on ground of which his prayer for bail should be dismissed. Therefore, after these

observations, I am not inclined to allow the revision petition filed by applicant Aakash Kurrey. However, the revision petition (Criminal Revision No.1612/2019) filed by applicant Lucky Jangde deserves to be allowed.

7. Consequently, revision petition (Criminal Revision 1586/2019) filed by applicant Aakash Kurrey is dismissed and Criminal Revision No.1612/2019 filed by applicant Lucky Jangde is allowed, at the motion stage.

The impugned order of the appellate Court and the order of the Juvenile Justice Board with respect to applicant Lucky Jangde (applicant in Criminal Revision No.1612/2019) are set aside and the application for grant of bail to this applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian mother of applicant Lucky Jangde with one surety in the like sum to the satisfaction of the concerned Court, for appearance of applicant Lucky Jangde as and when directed, he shall be given in custody of his natural guardian/mother.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
**Judge**