

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1621 of 2019

- Surya @ Navratan Pathari S/o Amarnath Pathari, Aged About 17 Years Through natural legal guardian big brother Uttam Pathari, Son of Amarnath Pathari, Aged About 22 Years, R/o Bankimongra Basti, Police Station Bankimongra, Tahsil Katghora, District Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Urga, Korba, Civil and Revenue District Korba, Chhattisgarh, District : Korba, Chhattisgarh

--- Non-applicant

For Applicant– Shri Pushpendra Kumar Patel and Shri Dashrath Kushwaha, Advocates.

For State/Non-applicant – Shri Sudeep Verma, Deputy Govt. Advocate.

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

14-02-2020

Heard.

1. This revision has been brought challenging the impugned order dated 12-12-2019 passed by the Court of Additional Sessions Judge (FTC), Korba, District Korba, Chhattisgarh in Criminal Appeal No.81/2019 dismissing the appeal in which the appeal was dismissed and the order of the Juvenile Justice Board dismissing the application of the applicant for grant of bail was upheld.
2. It is submitted that the learned Court below and the Board both have erroneously appreciated the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. There had been no exception under which the prayer for bail of the applicant could have been dismissed. The social status report is also in favour of the applicant. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/respondent opposes the petition submitting that it is a case in which the applicant, though a juvenile, was abetted and aided by his own parents in commission of the offence. His

parents are also arrayed as accused in this case and are being separately prosecuted, which goes to show that if the applicant is released on bail he shall have association of his parents on whom there is a criminal charge. Therefore, no purpose would be served if the applicant is granted 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 proceeded against for commission of offence under Section 363, 506, 376 of the IPC and Section 6 of POCSO Act. The social status report appears to be positive and in favour of the applicant. He has no criminal history. The ground of exception which are mentioned in the provisions under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 are not clearly mentioned in the social status report. Gravity of any offence is never a ground for rejection of bail of any juvenile. Therefore, I am of this view it is a fit case where the Court below and the Board should have exercised their jurisdiction.

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 his natural legal guardian big brother with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his natural legal guardian big brother.

Sd/-
(Rajendra Chandra Singh Samant)
Judge