

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 39 of 2021

- Gulab Ratre, S/o Santram Ratre, Aged About 18 Years, Through His Father Santram Ratre R/o Parsadih, P.S. Tumgaon, District-Mahasamund (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Mahasamund District- Mahasamund (C.G.)

---- Respondent

For applicant	:	Mr. Vikash Pradhan, Advocate.
For Respondent/State	:	Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/03/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 5.11.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, Mahasamund, District-Mahasamund(CG) in Criminal Appeal No.H-46/2020, dismissing the appeal and upholding the order of bail rejection by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. The social status report had been in favor of the applicant, but the Courts below did not appreciate the same and passed the order of rejection. Therefore, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.
3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that looking to the case present against this

applicant, he has no entitlement for grant of bail to the applicant. Therefore, the Courts below have not committed any error in passing the rejection order. The revision petition be dismissed.

4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. The gravity of the offence cannot be made a ground for rejection of bail to any juvenile offender. According to the social status report submitted by the Probation Officer, It is found that there is not a single circumstance made out which may be made a ground for rejection of bail under the provision of Section 12 Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicants, hence, orders of both the courts below are not sustainable. Therefore, I feel inclined to allow the revision petition.
6. Consequently, the revision is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the prayer for release of the applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/-, which is to be of his natural guardian/father, along with a bond of the same amount to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/father.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge