

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 43 of 2021

Juvenile In Conflict With Law, S/o. Haldhar Gonda, aged about 17 years
Through Haldhar Gonda, S/o Late Guru Gonda, (Father Of Applicant) R/o
Village Turenar P. S. Nagarnar, District Bastar Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Collector Bastar Place Jagdalpur P. S.
Frezerpur, District Bastar Chhattisgarh

-----Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/02/2021

1. Challenge in this petition is to the order dated 05.01.2021, passed by learned Additional Sessions Judge (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal Appeal No.37/2020, whereby the appeal preferred by the applicant/juvenile against the order of Principal Magistrate, Juvenile Justice Board, District Bastar in Criminal Case No. 39 of 2020 dated 25.11.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The social status report had been in favour of the applicant

despite that the Board and the Appellate Court both have given consideration to the gravity of the offence and rejected the application. Hence, the orders passed by the Board as well as by the Appellate Court are erroneous. Therefore, it is prayed that this revision petition be allowed and the applicant be granted bail.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that looking to the gravity of the case, the applicant is not entitled for grant of bail. The Board and the appellate Court have not committed any error in passing the rejection order. Hence, the revision petition be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions and the facts of the case. The gravity of the offence can not be made a ground for rejection of bail to a juvenile. There are specific circumstances to be made out according to the proviso to Section 12 (1) of Juvenile Justice (Care & Protection of Children) Act. According to the social status report given by the Probation Officer, there appears to be no such circumstances present. Hence, this Court is of the view that the Board as well as the Appellate Court both have committed error by not appreciating the report of the Probation Officer. Therefore, the orders passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order dated 05.01.2021, passed by learned Additional Sessions Judge (F.T.C.)/Children Court, Bastar at Jagdalpur (C.G.), in Criminal

Appeal No.37/2020, is set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of same amount, which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant shall be given in custody of his natural guardian.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram