

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 24 of 2021

Shiva Daryani @ Babu Daryani, S/o. Prakash Daryani, aged about 13 years,
Minor : through father - Prakash Daryani, R/o. Bus Stand, Navapara, Police
Station Gobrra Navapara, District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station- Gobra
Navapara, District Raipur, Chhattisgarh.

-----Respondent

For Applicant	: Mr. Suresh Tandon, Advocate
For Respondent/State	: Mr. B.P. Banjare, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/02/2021

1. Challenge in this petition is to the order dated 20.11.2020, passed by learned Additional Sessions Judge (F.T.C.), Raipur, District – Raipur (C.G.), in Criminal Appeal No.245/2020, whereby the appeal preferred by the applicant/juvenile against the order of Principal Judge, Juvenile Justice Board, Raipur, District – Raipur in Criminal Case No. 146 of 2020 dated 31.10.2020, 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 age of the present applicant is only 13 years. There is no evidence regarding the crime that is alleged to have been committed by the applicant. The social status report had been in favour of this applicant even then the same was not appreciated by the Board and the Appellate Court. Hence, the orders passed 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 the age of the victim in this case is only 8 years, therefore, allegation against this applicant is of very serious nature. 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 social status report submitted by the Probation Officer with respect to this applicant mentions that the applicant does not have any criminal antecedents. He is pursuing his education and it shall be beneficial for him to remain in the family atmosphere. It appears that there is nothing against this applicant in the social status report so as to make out a ground of rejection as provided under proviso to Section 12 (1) of Juvenile Justice (Care & Protection of Children) Act and by not appreciating this social status report, the Board and the appellate Court both have committed error, as the gravity of the offence is never a ground of rejection of bail to a juvenile under Section 12 (1) of the Juvenile Justice (Care & Protection of Children) Act. Therefore, this Court is of the view that 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 20.11.2020, passed by learned Additional Sessions Judge (F.T.C.), Raipur, District – Durg (C.G.), in Criminal Appeal No.245/2020, 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