

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.35 of 2021

A Child Conflict With Law Through Natural Guardian B Father Of Child Who Conflict With Law R/o Topar Khaspara Thana Darbha, Distt. Bastar, Chhattisgarh. (Name And Add. Of Natural Guardian i.e. Father, Sundar Nag S/o Sonaruram Nag Aged About 46 Years R/o Topar Khaspara, Thana Darbha Distt. Bastar Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Jagdalpur Distt. Bastar Chhattisgarh (Collector Wrongly Mentioned In Order Sheet)

--- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2021

1. This revision has been brought against the order dated 04.01.2021, passed in Criminal Appeal No.36/2020, by the Additional Sessions Judge (F.T.C.)/Children's Court, Bastar, Place- Jagdalpur, C.G., dismissing the appeal and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The social status report had been in favour of this applicant, which has not been appreciated by the Board and the Appellate Court and the

order of bail rejection has been passed only on the ground of gravity of the offence, which cannot be taken into consideration under Section 12 of Juvenile Justice Care and Protection Act, 2015, therefore, the orders passed are erroneous, hence, interference is prayed for by the revisional jurisdiction of this Court.

3. Learned State counsel opposes the petition submitting that there is serious allegation against the applicant about ravishing and making pregnant the victim of age about 15 years. Therefore, the Board and the Appellate Court both have not committed any error in passing rejection orders. Therefore, it is prayed that this revision petition may be dismissed.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions, the gravity of the offences against any child in conflict with law cannot be a ground for consideration for grant or rejection of bail under Section 12(1) of Juvenile Justice (Care and Protection) Act, 2015. The social status report mentions that the applicant is a student of Class- 11th, he is from a humble background, he has no previous antecedent and further, it was the opinion of the Probation Officer, that the applicant should be given in custody of his parents for his betterment. Therefore, there is nothing against the applicant in this report, which could have been made a ground for bail rejection in accordance with proviso to Section 12(1) of the Act, 2015, Hence, I am of this view that the impugned order and the order from Board both suffer from infirmity, which are liable to be interfered with.

Therefore, this revision petition is allowed.

6. Therefore, the revision petition is allowed and 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 parent or guardian 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 parent or guardian.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika