

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 47 of 2021

Siddharth Nirmalkar @ Dadu, S/o Rajkumar Nirmalkar, Aged About 17 Years, R/o Chandrashekhar Nagar, Kanpa, Sangam Chowk, P.S. Pandri, District- Raipur (C.G.) through his elder mother (Natural Guardian) Smt. Lalita Nihal, Aged About 38 Years, Wife of Narsingh Nihal, R/o Chandrashekhar Nagar, Kanpa, Sangam Chowk, P.S. Pandri, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Pandri, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. S.P. Sahu, Advocate.

For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/02/2021

1. Challenge in this revision petition is to the order dated 11.01.2021, passed by learned Child Court/ Additional Sessions Judge (F.T.C.), Raipur (C.G.) in Criminal Appeal No. 01/2021, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Raipur (C.G.) dated 02.01.2021, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant is innocent and has been falsely implicated in this case. The FIR lodged against the unknown person. The social status report had not been against this applicant, which has not been appreciated by the Board as well

as the appellate court. Hence, the impugned order and the order of the Board, are erroneous, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that the offence committed by this applicant is of grievous nature. One knife and Rs. 500/- have been seized from possession of this applicant. The applicant has criminal history and one case No. 469/2018 under Section 392 of IPC, has already been registered against this applicant. The applicant has also been identified in test identification parade by the injured victim. The Board as well as appellate court, both have not committed any error, in rejecting the bail prayer of the applicant, therefore, this revision petition may also be dismissed.
4. In reply, learned counsel for the applicant submits that the applicant is on bail in the previous case registered against him and the social status report submitted by the Probation Officer, is in favour of the applicant, therefore, it is prayed that this revision petition may be allowed.
5. I have heard learned counsel for the parties and perused the documents placed on record.
6. Considered on the submission made by the counsel from both the sides. The gravity of offence is never a ground for grant or rejection of bail to a juvenile. The social status report appears to

be normal and there is no ground mentioned, which are necessary to be found present in accordance with the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail to the applicant. The Board as well as the appellate court, both should have exercised the jurisdiction in favour of the applicant and by not doing so, the Board as well as the appellate court, both have committed error in refusing bail to the applicant. Hence, for these reasons, I feel inclined to allow this revision petition.

7. Consequently, the order dated 11.01.2021, passed by learned Child Court/ Additional Sessions Judge (F.T.C.), Raipur (C.G.) in Criminal Appeal No. 01/2021, 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 guardian/father/mother, 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/father/mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge