

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 75 of 2021

- Anjil Nand, S/o Nayan Prakash Nand, Aged About 17 Years, R/o Kapa Lodhipara, Raipur, District Raipur Chhattisgarh. Through His Legal Guardian Father Nayan Prakash Nand, S/o Late Prem Prakash Nand, Aged About 46 Years, R/o Village Kapa Lodhipara, Raipur, District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Pandri, District - Raipur Chhattisgarh.

---- Respondent

For applicant	:	Mr. Jitendra Shukla, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

16/02/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 15.01.2021 (Annexure-A/1) passed by the Special Court/learned Additional Session Judge (FTC), Raipur, District-Raipur(CG) in Criminal Appeal No.83/2021, dismissing the appeal and upholding the bail rejection order of 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. In these circumstances, 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 nature of the offence committed in which this applicant had actively participated, hence, he is not entitled for grant of bail. 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. In this particular case, the social status report that has been given by the Probation Officer is totally in favor of the applicant and no such circumstance is made out, that the applicant may be associated with criminal elements in future or that he may be exposed to mental, physical and psychological danger or that his release on bail would defeat the ends of justice. Therefore, there is no specific reason present according to the proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail prayer. 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 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

