

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 103 of 2021

- Dhaluram Sahu. S/o Shri Laxminarayan Sahu. Aged About 15 Years. R/o Village Madeli, District-Dhamtari Chhattisgarh Through Natural Guardian Laxmi Narayan Sahu (Father), District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Kurud, District : Dhamtari, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Shailendra Dubey , Advocate.
For Respondent/State	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

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

18/03/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 02.01.2021 (Annexure-A/1) passed by the learned First Additional Sessions Judge, Dhamtari in Criminal Appeal No.40/2020, dismissing the appeal and upholding the order of bail rejection by 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. The only consideration has been given to the gravity of offence, whereas no such consideration can be made under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, the impugned orders are not

sustainable. 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 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 under the provision of Section 12 Juvenile Justice (Care and Protection of Children) Act, 2015. The social status report does not mention any specific circumstance on the basis of which it can be concluded, that any ground is available under the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for bail rejection. 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 applicant, 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 the 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