

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through Video Conferencing****CRR No. 100 of 2021**

Santosh Kumar S/o Late Manmohan Aged About 17 Years
(Aged About 17 Years 10 Months) Through Natural Guardian Of
Smt. Rajkumari Chouhan, Wife Of Sanat Kumar Chouhan, Aged
About 50 Years, Caste Ganda, Residence Of Shanti Nagar,
Balgi Khar, Thana Bankimongra, Tahsil Katghora, District Korba,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Korba, District
Korba, Chhattisgarh, Police Station - Bankimongra, District
Korba, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vikas Pandey, Advocate
For the State	:	Shri Afroz Khan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**29/06/2021**

1. Challenge in this revision petition is to the order dated 13/01/2021 passed by the learned Special Judge (POCSO)/Child Court Katghora, District Korba (C.G.) in Criminal Appeal No. 03/2021, whereby the appeal preferred by the applicant-jvenile against the order of Juvenile Justice Board, District Korba (C.G.) dated 30/12/2020 has been dismissed, whereby the applicant has been denied bail.
2. Learned counsel for the applicant submits that impugned judgment

passed by the learned Courts below suffers from factual and legal infirmity, both the Courts below have dismissed the application as well as appeal only on the ground of involvement of applicant with the crime, they have neither appreciated social status report of the applicant nor taken care of provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015. He further submits that applicant has been roped in the offence due to enmity. He is in observation home since 10/10/2020. It is prayed that this revision petition may be allowed and the relief may be granted to the applicant/juvenile.

3. Learned State counsel submits that the Board as well as the appellate Court, both have not committed error in passing the impugned order, therefore the applicant/juvenile is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by both the counsels. Perusal of impugned order shows that involvement of applicant/juvenile with the offence has been taken into consideration. Social status report of applicant/juvenile has not been taken into consideration by both the Courts below. Social status report mentions that this is first offence against the applicant/juvenile. If he is kept for more period in custody, then it will affect to his mental and moral status. Nothing has been mentioned in the social status report which can be taken as a ground for dismissal of bail to the juvenile under proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as appellate Court, both

have committed error in rejecting bail to the applicant/juvenile, hence, for these reasons I am inclined to allow this revision petition.

6. Consequently, the order dated 13/01/2021 passed by learned Special Judge (POCSO)/ Child Court Katghora, District Korba (C.G.) in Criminal Appeal No. 03/2021 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 applicant's guardian/granny (Nani) (as stated that father and mother of applicant/juvenile have died), to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant/juvenile shall be given in custody of his guardian/granny (Nani).

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE

Kamde