

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 122 of 2021

Mohd. Ahfaj @ Ayan, S/o Shri Mohd. Arif @ Raja, Aged About 17 Years, R/o Rijvi Gali, Police Station Moudahapara, Raipur, District- Raipur (C.G.) (Minor)
Through Natural Guardian Shri Mohd. Arif @ Raja, S/o Mohd. Sharif, Aged About 41 Years, R/o Rijvi Gali, Police Station Moudahapara, Raipur, District- Raipur (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through- District Magistrate, Raipur, District- Raipur (C.G.)

--- Respondent

and

CRR No. 123 of 2021

Mohd. Ahfaj @ Ayan, S/o Shri Mohd. Arif @ Raja, Aged About 17 Years, R/o Rijvi Gali, Police Station Moudahapara, Raipur, District- Raipur (C.G.) (Minor)
Through Natural Guardian father Shri Mohd. Arif @ Raja, S/o Mohd. Sharif, Aged About 41 Years, R/o Rijvi Gali, Police Station Moudahapara, Raipur, District- Raipur (C.G.)

--- Applicant

Versus

The State of Chhattisgarh, Through- District Magistrate, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant	:	Mr. H.B. Agrawal, Sr. Advocate with Ms. Richa Dwivedi, Advocate.
For State/ Respondent	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19/03/2021

1. Since the applicant in both the revision petitions are same,

therefore, both the revision petitions are being disposed of by this common order.

2. Challenge in **Criminal Revision No. 122 of 2021** is to the order dated 17.06.2020, passed by the learned Additional Sessions Judge (F.T.C.), Raipur, District- Raipur (C.G.) in Criminal Appeal No. 897/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Raipur, District- Raipur (C.G.) dated 12.05.2020, has been dismissed, whereby the applicant has been denied bail.
3. Challenge in **Criminal Revision No. 123 of 2021** is to the order dated 03.06.2020, passed by the learned Additional Sessions Judge (F.T.C.), Raipur, District- Raipur (C.G.) in unregistered Criminal Appeal, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Raipur, District- Raipur (C.G.) dated 12.05.2020, has been dismissed, whereby the applicant has been denied bail.
4. It is submitted by learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case. The social status report was not altogether against this applicant, which has not been appreciated by the Board as well as the Appellate Court. Hence, the impugned orders and the orders of the Board, suffer from infirmity, which are not sustainable and interference is prayed for. It is also prayed that

both the revision petitions may be allowed and the relief may be granted to the applicant.

5. Learned State counsel opposes both the petitions submitting that according to the social status report given by the Probation Officer, it is mentioned that there is possibility of this applicant being associated with criminal elements and apart from that, this is the third offence committed by him of similar nature, therefore, the applicant is habitual offender. The Board as well the Appellate Court, both have not committed any error in passing the rejection orders, therefore, he is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Considered on the submissions made by the counsel from both the sides. Clearly, the applicant is juvenile and child in conflict with law. It is the father, who is seeking his custody and ready to take care of the applicant and his welfare. The applicant is in detention since about 7 months and the proceeding before the Juvenile Justice Board, is still pending. Further, the offences that has been alleged to be committed, are not of heinous nature. For these reasons, I feel inclined to allow both the revision petitions.
8. Consequently, in **Criminal Revision No. 122 of 2021**, the order dated 17.06.2020, passed by the learned Additional Sessions Judge (F.T.C.), Raipur, District- Raipur (C.G.) in Criminal Appeal No. 897/2020 & in **Criminal Revision No. 123 of 2021**, the

order dated 03.06.2020, passed by the learned Additional Sessions Judge (F.T.C.), Raipur, District- Raipur (C.G.) in unregistered Criminal Appeal, are set-aside. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of same amount, in each case, 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

Arun