

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.135 of 2021**

- Amardas Kurre S/o. Late Mansa Ram Kurre Aged About 14 Years R/o Village Karmeri, District Baloda Bazar, At Present R/o B. S. U. P. Colony, Capital City Face- II, Saddu, District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Vidhansabha, District Raipur Chhattisgarh

---- Respondent

 For Applicant : Shri Brijesh Kumar Singh, Advocate
 For Respondent/State : Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****22.9.2021.**

1. Challenge in this revision petition is to the order dated 03.12.2019 passed by the learned 7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 551/2019, whereby the appeal preferred by the applicant-jvenile against the order of Juvenile Justice Board, Mana Camp, Raipur dated 31.7.2019 in connection with Crime No. 233/2019 registered at Police Station Vidhan Sabha, Raipur (C.G.) has been dismissed, whereby the applicant has been denied bail.

2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated in this case. He is in Observation Home since 01.6.2019. More detention will adversely affect his childish mentality, nothing against him has been mentioned in the social status report, despite that the Board as well

as Appellate Court have dismissed his application without properly appreciating the facts mentioned in the social status report. The impugned orders passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

3. Mother of victim/prosecutrix namely Smt. Kaushalya Dhritlahre and father Shri Sanjay Dhritlahre and also relative of another victim, assisted by Dilip Chandrakar, Asst. Grade-III, District Legal Services Authority, Raipur appeared through Video Conferencing from District Legal Services Authority, Raipur on 14.9.2021. The mother and the father of the victim/prosecutrix submit that brother of the applicant is still threatening them, therefore, bail should not be granted to the applicant and his bail application should be rejected.

4. Learned counsel for the State opposes the revision petition and submits that both the Courts below have not committed any error in passing the impugned orders, thus, the revision may be rejected.

5. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made by counsel for both the parties.

6. Perusal of the social status report shows that this is the first offence registered against the applicant/juvenile. According to the report, his habit and conduct is good. He has committed this offence due to impulse of adolescence age. No such circumstances have been mentioned, which may be a ground for

dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, he is in observation home since 01.6.2019. Looking to the above fact, I find that the Board as well as the appellate Court, both have committed error in not appreciating the social status report and above provision properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 03.12.2019 passed by 7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 551/2019 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are to be of his natural guardian/mother/ brother, 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/mother/brother. If the juvenile applicant is given to the custody of his brother, the concerned Juvenile Justice Board shall duly verify about the status of his brother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE