

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.191 of 2021**

- Rakesh Kumar Vishwakarma S/o Suddu Ram Vishwakarma Aged About 17 Years Through Natural Guardian Mother Smt. Shyambai W/o Suddu Ram Aged About 37 Years R/o Ghutrapara Police Station Ambikapur, Tahsil Ambikapur District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Mahila Thana Ambikapur District Surguja Chhattisgarh

---- Respondent

For Applicant : Shri Dev Ashish Biswas, Advocate
 For respondent/State : Shri Raghavendra Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****21.6.2021.**

1. Challenge in this revision petition is to the order dated 03.11.2020 passed by learned Additional Sessions Judge (FTC), Surguja (Ambikapur) for Additional Sessions Judge (FTC)/Special Judge under the Protection of Children from Sexual Offences Act, 2012, Ambikapur Distt. Surguja (CG) in Criminal Appeal No.62/2020 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Ambikapur Distt. Surguja dated 29.10.2020 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile has been falsely implicated in this case. Both the Courts below have rejected his application looking to the nature and gravity of offence, but they have totally ignored to look into the essential ingredients of Section 12 of the Juvenile Justice Act. The applicant is in Observation Home since 14.10.2020 and there is no criminal antecedent reported against him. The impugned order and the order of the Juvenile Justice Board both are erroneous. It is prayed that instant revision petition may be allowed and the relief may be granted to the applicant/juvenile.

3. 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.

4. 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.

5. Perusal of the impugned orders shows that both the Courts below have denied bail to the applicant looking to the nature and gravity of the offence. Social Investigation Report shows that the applicant belongs to poor family background, he has no previous criminal antecedent and for the first time the alleged offence has been registered against him. No specific reason has been mentioned in the Social Investigation Report of the applicant

which may be considered as a ground for dismissal of the bail to the applicant/juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as the appellate Court, both have committed error in not appreciating the social investigation report properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 03.11.2020 passed by the Additional Sessions Judge (FTC), Surguja (Ambikapur) for Additional Sessions Judge (FTC)/Special Judge under the Protection of Children from Sexual Offences Act, 2012, Ambikapur Distt. Surguja (CG) in Criminal Appeal No.62/2020 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 his natural 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/-

(N.K. Chandravanshi)
JUDGE