

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****CR.R. No. 148/2021**

Sandeep Rajak, S/o Laxmi Prasad Rajak, aged about 16 years, R/o B.S. U.P. Colony, Block No.2, Room No.3, Mathpuraina, Police Station Tikrapara, District Raipur (CG).

Through his legal guardian Uncle Laxman Rajak S/o Ramdular Rajak, aged about 30 years, R/o B.S. U.P. Colony, Block No.2, Room No.3, Mathpuraina, Police Station Tikrapara, District Raipur (CG).

Applicant**VERSUS**

State of Chhattisgarh, through Station House Officer, Police Station Purani Basti, District Raipur (CG).

Non-applicant

 For Applicant : Shri K.K. Dixit, Advocate
 For Respondent/State : Shri Raghvendra Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****14-6-2021**

1. Challenge in this revision petition is to the order dated 05.02.2021 passed by learned Child Court/Additional Sessions Judge (FTC), Raipur in Criminal Appeal No.21/2021 whereby the appeal preferred by the applicant-jvenile against the order of the Juvenile Justice Board, Mana Camp, Raipur dated 10.12.2020 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 16 years old boy, he is innocent and has been falsely implicated in this case. There is nothing against him in the social investigation report, instead of it, it has been mentioned in social status report that this is the first offence committed by him. He is a school going child of 16 years. Nothing negative report has been

given against him, so he must have been granted bail, but erroneously, by impugned orders, the Board as well as the appellate Court have refused him to grant bail. It is prayed that looking to the above circumstances, this revision petition may be allowed and bail may be granted to the applicant.

3. Learned State Counsel opposes the revision petition submitting that looking to the nature and gravity of the offence, both the Courts below were justified in rejecting the prayer of bail to the applicant.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made herein by counsel for both the parties with utmost circumspection.

5. Submissions made by the learned counsel for both the sides were considered carefully.

6. The applicant is a school going child of 16 years. As per social status report, he has no previous criminal antecedent. This is the first offence of the applicant. To decide the bail application of the applicant-jvenile, nature and gravity of the offence is not to be taken into consideration. Social status report of the applicant has not been properly appreciated by the Board as well as the appellate Court. No specific circumstances, which are required to be present for rejecting the bail according to proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 are found pertaining to the applicant. Therefore, as per my view, orders of rejection passed by the Board as well as the appellate Court,

both are erroneous and need interference. Therefore, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 05.02.2021 passed by learned Child Court/Additional Sessions Judge (FTC), Raipur in Criminal Appeal No. 21/2021 is set aside. It is directed that on furnishing a surety of Rs. 20,000/- along with a bond of same amount which is to be of his natural guardian mother/father, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant-jvenile shall be given in custody of his natural guardian mother/father.

8. Certified copy as per rules.

**Sd/-
(N.K. Chandravanshi)
JUDGE**

L/-