

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.117 of 2021

Minor Sadanand Sarthi S/o Maniram Sarthi Aged About 17 Years
Occupation- Student, Through His Legal (Natural) Guardian/brother-
Parmanand Sarthi, S/o Shri Maniram Sarthi, Aged About 25 Years, R/o
Ramnagar Sithara, Tahsil And P/s.- Dharamjaigarh, District- Raigarh,
Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, District- Raigarh,
Chhattisgarh

--- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate.

For State/ Respondent : Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/03/2021

1. This revision has been brought against the order dated 06.02.2021, passed in Criminal Appeal No.17/2021, by the Additional Sessions Judge (F.T.C.) Raigarh, C.G., dismissing the appeal and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The learned Board and the appellate Court both have passed erroneous orders without appreciating the social status report given by the Probation Officer, which was in his favour. Therefore, both the orders are not sustainable. Hence, it is prayed that this revision petition may be

allowed and relief be granted to the applicant.

3. Learned State counsel opposes the petition submitting that the Board and the appellate Court both have not committed any error in passing the impugned orders. Therefore, it is prayed that the revision petition may be dismissed.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions. The report of the Probation Officer given with respect to this applicant does not mention of any circumstance present, which may be a ground for refusal of the bail to the applicant according to the proviso to Section 12(1) of Juvenile Justice Care and Protection Act. Therefore, I am of this view that the impugned order and the order of Board both are not sustainable.
6. Therefore, the revision petition is allowed and the impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by his parent or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his parent or guardian.
7. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge