

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 119 of 2021**

Subodh Kujur, S/o Haril Kujur, Aged About 15 Years, Through:  
Guardian/Father- Haril Kujur, Aged About 45 Years, Occupation  
Student, R/o Village Mangari, Police Station- Sitapur, District- Surguja  
(C.G.)

**--- Applicant**

**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station-  
Sitapur, District- Surguja (C.G.)

**--- Respondent**

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For Applicant : Mr. Nishikant Sinha, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**08/03/2021**

1. Challenge in this revision petition is to the order dated 14.01.2021, passed by learned Child Court/ Additional Sessions Judge, Fast Track Special Court (POCSO Act), Ambikapur, District- Surguja (C.G.) in Criminal Appeal No. 02/2021, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Ambikapur, District- Surguja (C.G.) dated 31.12.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case. The Board as well as the appellate court, both have committed error in not appreciating the social status report, which was in favour of this applicant. The only consideration has

been given on the gravity of offence, whereas, the gravity of offence is never a consideration for grant of bail to a juvenile. The impugned order and the order of the Board, are erroneous, which are not sustainable and interference is prayed for. It is prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that The Board as well as the appellate court, both have not committed error in passing the impugned order, therefore, the applicant is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by the counsel from both the sides. Perusal of the impugned order and the order of the Board, show that the gravity of offence has been taken into consideration. No appreciation has been made on the report of the Probation Officer, which does not mention about any of the circumstance, which may be a ground for dismissal of bail to a juvenile under 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 rejecting bail to the applicant. Hence, for these reason, I feel inclined to allow this revision petition.
6. Consequently, the order dated 14.01.2021, passed by learned Child Court/ Additional Sessions Judge Fast Track Special Court

(POCSO Act), Ambikapur, District- Surguja (C.G.) in Criminal Appeal No. 02/2021, 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 guardian/mother/father, 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/father.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
**Judge**