

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 114 of 2021

- Pramod Mahant, S/o Anupdas, Aged About 16 Years, Caste Mahant, Through Legal Guardian Father Anupdas, S/o Gajanand, Aged About 63 Years, Caste Mahant, R/o. Badadarha, Police Station Dabhara, Tahsil Dabhara, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, Janjgir, District Janjgir Champa Chhattisgarh.

---- Respondent

For applicant	:	Mr. Ishwar Jaiswal, Advocate.
For Respondent/State	:	Mr. D.P. Singh, Dy. Adv. General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/03/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 02.02.2021 (Annexure-A/1) passed by the learned Special Court(FTC) under POCSO Act, Sakti(CG) in Criminal Appeal No.02/2021, affirming the order dated 30.12.2020 passed by the Juvenile Justice Board, Janjgir, District-Janjgir-Champa, Chhattisgarh, thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. The social status report had been in favor of the applicant, but the Courts below did not appreciate the same and passed the order of rejection. The only consideration has been given to the gravity of offence, whereas no such consideration can be made under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, the impugned orders are not

sustainable. In these circumstances, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that it is a case of commission of heinous offence of rape with the minor prosecutrix. Therefore, the Courts below have not committed any error in passing the rejection order. The revision petition be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. On perusing of the impugned order and the order of the board having considered the gravity of the offence. The social status report does not mentions any specific circumstance on the basis of which it can be concluded, b that any ground is available under the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for bail rejection. Therefore, I am of this view that the learned Courts below have committed error in passing the impugned order. Hence, the orders of both the Courts below are not sustainable and liable to be set aside. Therefore, I feel inclined to allow the revision petition.
6. Consequently, the revision is allowed. The orders dated 02.02.2021 & 30.12.2020 passed by the Courts below are set-aside and the prayer for release of the applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/-, which is to be of his natural guardian/father, along with a bond of the same amount to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/father.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge