

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 134 of 2021

Juvenile in conflict with law, through- natural guardian Gajadhar Das, S/o. Subhashnath Das (Father), both are R/o Manjhiguda, P.S. Darbha District Bastar Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Collector/District Magistrate Baster, District Baster Chhattisgarh.

-----Respondent

For Applicant	: Mr. Anil Gulati on behalf of Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Adil Minhaj, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

24/03/2021

1. Challenge in this petition is to the order dated 05.02.2021, passed by learned Additional Sessions Judge (FTC)/Child Court, Bastar place Jagdalpur (C.G.), in Criminal Appeal No.01/2021, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Jagdalpur, District – Bastar at Jagdalpur dated 13.01.2021 in Crime No. 56/2020 registered at P.S. Darbha, 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 social status report had not been against this applicant,

which was not appreciated by the Board as well as by the appellate Court, therefore, the order of bail rejection passed by the Board and the appellate Court both suffers from infirmity. Interference is prayed for by this revision.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that the age of the prosecutrix in this case is only 13 years and further looking to the gravity of the offence committed by this applicant, he is not entitled for grant of bail. Therefore, the learned appellate Courts and the Board both have not committed any error. Therefore, the revision petition be dismissed.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions and the facts of the case. The gravity of the offence can not be a ground for grant or rejection of bail to a juvenile in conflict with law under Section 12 of the Juvenile Justice (Care & Protection of Children) Act. The social status report given by the Probation Officer does not mention of any circumstances, which may be a ground for rejection of the bail as provided in proviso to Section 12 (1) of the Juvenile Justice (Care & Protection of Children) Act. Therefore, this Court is of the view that the orders passed by the Board as well as by the Appellate Court both are not sustainable.
6. Consequently, revision petition is allowed. The order dated 05.02.2021, passed by learned Additional Sessions Judge (FTC)/Child Court, Bastar place Jagdalpur (C.G.), in Criminal

Appeal No.01/2021, 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram