

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.240 of 2021**

- Shubham Yadav Age 15 years, S/o. Late Anil Yadav R/o. Banjari Nagar, Rawabhata, Near Naveen School, Thana Khamtari Raipur Distt. Raipur (CG)

(Through natural Guardian maternal Uncle Shailendra Kumar Gopal)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Khamtarai, Raipur Distt. Raipur (CG)

---- Respondent

 For Applicant : Shri Sudeep Johri, Advocate
 For respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****23.7.2021.**

1. Challenge in this revision petition is to the order dated 05.01.2021 passed by Child Court/Additional Sessions Judge, FTC, Raipur (CG) in Criminal Appeal No.281/2020 whereby the appeal preferred by the applicant/ juvenile against the order of the Juvenile Justice Board, Mana Camp Raipur (CG) dated 07.12.2020 has been dismissed wherein applicant/juvenile was denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy and he has been falsely implicated in the case. Both the Courts below have

denied bail to the applicant/juvenile only considering the gravity of offence. The juvenile is in Observation Home since 11.10.2020 and there is no criminal antecedent reported against him. Learned counsel for the applicant further submits that the applicant is younger than the victim/prosecutrix, therefore, it is a case of child abuse. He further submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are not sustainable, therefore, the revision petition may be allowed and relief may be granted to the applicant.

3. Learned counsel for the State opposes the revision petition and submits that both the Courts below have not committed any error in passing the impugned orders, thus, the revision may be rejected.

4. Shri Dilip Chandrakar, Incharge of District Legal Services Authority, Raipur, who connected the prosecutrix/victim and her mother through video conferencing from District Legal Services Authority, Raipur would submit that the prosecutrix and her mother have brought their Aadhar cards. He is directed to get photo copy of the Aadhar Cards.

5. On being asked, the prosecutrix/victim and her mother submit that the applicant must not be granted bail and his bail application must be rejected.

6. I have heard learned counsel for both the parties as well as the prosecutrix/victim and her mother, perused the documents

placed on record and considered the submissions made by counsel for both the parties.

7. As per the Social Investigation Report, the juvenile applicant is a school dropper. There is no criminal antecedent reported against him. It seems that lack of monitoring of the family members, incomplete school education and also attraction towards opposite sex due to his adolescence age, he committed the aforesaid offence. It has also been mentioned in the Social Investigation Report that the applicant requires to be joined to creative activities and there is no chance of his contact with known criminals.

8. Perusal of the Social Investigation Report shows that there is nothing in the said report which may be a ground for dismissal of the bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The applicant is in Observation Home since 11.10.2020. The Board as well as the appellate Court, both have committed error in not appreciating the social investigation report and above provision properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

9. Consequently, the revision is allowed. The order dated 05.01.2021 passed by the Child Court/Additional Sessions Judge, FTC, Raipur (CG) in Criminal Appeal No.281/2020 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/father/mother, 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/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE

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