

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.162 of 2021**

- Minor Suraj Kumar (Delinquent Juvenile) S/o Banshilal Sarthi Aged About 17 Years R/o Bade Dumarapali, P.S. And Tahsil- Kharsia, District- Raigarh, Chhattisgarh. Through Father And Natural Guardian Banshilal Sarthi, S/o Tarachand Aged About 43 Years, R/o Bade Dumarapali, P.S. And Tahsil- Kharsia, District- Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station- Kharsia, District- Raigarh, Chhattisgarh

---- Respondent

 For Applicant : Shri Sanjay Agrawal, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.6.2021.**

1. Challenge in this revision petition is to the order dated 30.01.2021 passed by learned Additional Sessions Judge (FTC), Distt. Raigarh (CG) in Criminal Appeal No.10/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Raigarh dated 20.01.2021 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, he has been falsely implicated in this case. There is no direct evidence available on record that the applicant had committed murder of the deceased

and there is no evidence to show the involvement of the applicant in the crime in question. The applicant/juvenile has no previous criminal antecedent. He has not committed any misconduct during the custody in the Observation Home. He is in Observation Home since 03.12.2020. No negative report has been shown in the social investigation report, in spite of that, the Board as well as the appellate Court have refused him to grant bail. Therefore, the impugned orders of both the Courts below are erroneous and not sustainable. It is prayed that the revision petition may be allowed and the bail may be granted to the applicant/juvenile.

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. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made by counsel for both the parties.

5. As per the social investigation report, the applicant/juvenile is a school dropper and is doing labour work to support his family. He is a well behaved person, there is no criminal antecedent reported against him. It seems that lack of awareness and sudden provocation, the offence has been committed by him.

6. 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 the juvenile under the 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 not appreciating the social investigation report properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 30.01.2021 passed by the Additional Sessions Judge (FTC), Raigarh in Criminal Appeal No.10/2021 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 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