

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 140 of 2021

1. Jai Aditya Tiwari @ Ansh Pandit, S/o Late Jagarnath Tiwari, Aged About 17 Years, Through Natural Guardian Ashok Tiwari, R/o Jarhagadh Ambikapur, District- Surguja (C.G.)
2. Atul Tamrakar, S/o Baldev Tamrakar, Aged About 16 Years, Through Guardian Birju Tamrakar, R/o Mission Chowk, Near Joda Pipal Kedarpur, Ambikapur, District- Surguja (C.G.)

--- Applicants

Versus

State of Chhattisgarh, Through Police Station Ambikapur, District- Surguja (C.G.)

--- Respondent

For Applicants : Mr. Vineet Kumar Pandey, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/03/2021

1. Challenge in this revision petition is to the order dated 11.02.2021, passed by learned Additional Sessions Judge, F.T.C. Surguja (Ambikapur), through- Additional Sessions Judge, Fast Track Special Court (POCSO Act), Ambikapur, District- Surguja (C.G.) in Criminal Appeal No. 08/2021, whereby the appeal preferred by the applicants/ juvenile against the order of Juvenile Justice Board, Ambikapur, District- Surguja (C.G.) dated 05.02.2021 in Criminal Case No. 856/2020, has been dismissed, whereby the applicants have been denied bail.
2. Learned counsel for the applicants submits that both the applicants have been falsely implicated in this case. There had

been serious dispute between the complainant side and the applicants side, regarding which, false FIR has been lodged against them. The social status report had been in favour of the applicants, which has been ignored by the Board as well as the Appellate Court. Hence, the impugned order and the order of the Board, suffer from infirmity, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicants.

3. Learned State counsel opposes the petition submitting that looking to the allegation present against these applicants regarding their participation in commission of offence, being member of unlawful assembly, armed with deadly weapons and having committed offences of loot etc., hence, they are 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 submissions as well as the facts and circumstances of the case. According to the social status report, these applicants do not have any criminal antecedents and otherwise also, there are no such circumstances made out, that they may be associated with any criminal elements in future or that their release would expose them to moral, physical and psychological danger or their release would defeat the ends of justice. It was a case, in which, the Board as well as the

Appellate Court should have exercised their jurisdiction in favour of the applicants and by not doing so, the Board as well as the Appellate Court both have committed error. Hence, order of both the courts below, are not sustainable, therefore, I feel inclined to allow this revision petition.

6. Consequently, the order dated 11.02.2021, passed by learned Additional Sessions Judge, F.T.C. Surguja (Ambikapur), through- Additional Sessions Judge, Fast Track Special Court (POCSO Act), Ambikapur, District- Surguja (C.G.) in Criminal Appeal No. 08/2021, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- each along with a bond of same amount each, which is to be of their guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants shall be given in custody of their natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge