

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 287 of 2020

Satyaprakash Rai @ Chhotu Godna S/o Surendra Nath Aged About 17 Years
R/o Saddu Housing Board Colony, L.I.G. - 26, Police Station Vidhansabha,
District Raipur Chhattisgarh. Minor Through Natural Guardian Father
Surendra Nath S/o Tribhuwan, Aged About 51 Years, R/o Village Salheghori,
Police Station Nawagarh, District Bemetara Chhattisgarh

--- Applicant

Versus

State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur
Chhattisgarh

--- Respondent

For Applicant : Mr. Rekhraj Baghel, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2021

1. This revision has been brought against the order dated 19.11.2019, passed in Criminal Appeal No.535 of 2019, by the Ninth Additional Sessions Judge, Raipur, District- Raipur, C.G., dismissing the appeal and upholding the order of rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The applicant is in detention since 01.07.2019. The social status report had been in his favour, despite that the order of rejection has been

passed by the Board and the Appellate Court. Therefore, interference in the impugned orders is prayed for.

3. Learned State counsel opposes the petition submitting that this applicant happens to be the main accused person, who has inflicted injuries on the victim with knife. And further, the social status report mentions that this applicant has been evicted from his parental house. However, the father of the applicant has now filed the application for custody of this applicant, which does not appear to be bona-fide. Therefore, no error has been committed by the Board and the Appellate Court. Hence, it is prayed that the revision petition may be dismissed.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions, there appears to be no criminal antecedent of this applicant. The gravity of the case against him cannot be taken into consideration for rejection of bail prayer made by him under Section 12 of the Juvenile Justice Care and Protection Act. According to the social status report that has been filed by the Probation Officer, there is no ground made out under the Proviso to Section 12(1) of the Juvenile Justice Act, 2015, on the basis of which, this prayer for bail could have been rejected. Therefore, the orders of rejection passed by the Board and the Appellate Court both appears to be erroneous, which needs interference, therefore, this revision petition is allowed.
6. Therefore, the revision petition is allowed and the impugned order of

the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by his parent or guardian with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, then he shall be given in custody of his parent or guardian.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika