

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 147 of 2021

1. Narendra Sahu @ Banti S/o Chintaram Sahu, Aged About 16 Years R/o Village Khorpa, Police Station Abhanpur, Tahsil Abhanpur, District Raipur (Chhattisgarh) Through Natural Guardian Father Chintaram Sahu, S/o Late Shri Salikram Sahu, Aged About 50 Years, R/o Village Khorpa, Police Station Abhanpur, Tahsil Abhanpur, District Raipur Chhattisgarh.
2. Tikendra Banjare @ Tigar, S/o Surendra Banjare, Aged About 16 Years R/o Village And Post Chhachhaanpairi, Police Station Mujgahan, Tahsil Abhanpur District Raipur (Chhattisgarh) Through Natural Guardian Mother Smt. Bhagwati Banjare, W/o Surendra Banjare, Aged About 45 Years, R/o Village And Post Chhachhaanpairi, Police Station Mujgahan, Tahsil Abhanpur District Raipur Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Abhanpur, Raipur, District Raipur Chhattisgarh.

---- Respondent

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

19/03/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 12.02.2021 (Annexure-A/1) passed by the learned Juvenile Court, Additional Sessions Judge(F.T.C.), Raipur, District-Raipur, Chhattisgarh in Criminal Appeal No.29/2021, dismissing the appeal and upholding the order of bail rejection passed by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicants that applicants are innocent and have been falsely implicated in this case. The social

status report had been in favor of the applicants, but the Courts below did not appreciate the same and passed the order of rejection, therefore, the orders passed are erroneous. Both the orders impugned herein are liable to be set aside and the applicants deserve to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that the Courts below have not committed any error in passing the rejection order. The revision petition be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. In passing the impugned order the appellate Court and the Board both have given consideration to the nature of allegation against these applicants. The social status report does not mention of any circumstance, which may be made a ground for rejection of bail under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, therefore, I am of this view that the Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicants, hence, orders of both the courts below are not sustainable. Therefore, I feel inclined to allow the revision petition.
6. Consequently, the revision is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the prayer for release of the applicants on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/-each, which is to be of their natural guardian/father/mother, along with a bond of the same amount to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, the applicants shall be given in custody of their natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge