

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRIMINAL REVISION No. 232 of 2021

Karan Dewar Sonwani S/o Neelkanth Sonwani Aged About 17 Years R/o Village Bhaisa, P.S. Kharora, District Raipur CG. Through Legal Natural Guardian Elder Father Namely Jogi Dewar, Son of Late Shri Bhagirathi Dewar Aged About 50 Years, Resident of near R.I.O. Office, Khamtarai, P.S. Khamtarai, District Raipur CG. -----**Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Dharsiwa, District Raipur Chhattisgarh--**Non-applicant**

 For Applicant : Shri Girdhari Lal Verma, Adv.
 For non-applicant/State : Sushri Seema Dixit, PL.

Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

31-8-2021

1. Challenge in this revision petition is to the order dated 28-10-2020 passed by learned Juvenile Court/Addl. Sessions Judge, FTC, Raipur (CG) in CR.A. No. 232/2020 whereby the appeal preferred by the applicant-juvenil against the order passed by the Principal Magistrate, Juvenile Justice Board, Raipur (CG) dated 15-10-2020 pertaining to Crime No. 284/2020 registered at PS Dharsiwan, Raipur for offence under Sections 363, 366, 376, of the Indian Penal Code, and Section 4 and 6 of the Protection of Children from Sexual Offences Act has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is young boy of 17 years, he is innocent and falsely implicated in this case. He further submits that applicant is in observation home since 23-7-2020, charge sheet has been filed, more detention will affect his childish mentality. Despite that, by overlooking these facts and the provisions of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, both

the courts below have denied bail to the applicant, which is erroneous and not sustainable. It is prayed that the revision petition may be allowed and bail may be granted to the applicant.

3. Learned State Counsel 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. Notice issued to the complainant/informant has been served but neither the victim/prosecutrix, nor complainant/informant appeared nor represented by any counsel, before this Court at the time of hearing.

5. 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.

6. A perusal of social investigation report shows that the applicant is involved in this case due to lack of control of family and proper guidance. It is also mentioned therein that there is no possibility of the applicant to come into contact of known offenders. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant which may be a ground for denial of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Looking to the fact that applicant is in observation home since 23-7-2020 as stated by learned counsel for the applicant, and other facts, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 28-10-2020 passed by learned Juvenile Court/Addl. Sessions Judge, FTC, Raipur in CR.A. No. 232/2020 is set aside. It is directed that if applicant furnishes a surety of Rs. 20,000/- along with a bond of same amount which is to be of his natural guardian-father/elder father (Bade Pitaji), 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/elder father (Bade Pitaji). If the custody of juvenile is handed over to said elder father, then the Juvenile Justice Board is directed to verify and satisfy itself about status and his relation with the juvenile.

Certified copy as per rules.

**Sd/-
(NK Chandravanshi)
Judge**