

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 181 of 2021

- Aakash Yadav, S/o Bansi Lal Yadav, Aged About 17 Years, Resident Of Kailash Nagar, Titurdih Durg, Police Station Mohan Nagar, Tehsil And District-Durg Chhattisgarh. Through Natural Guardian Mother Smt. Usha Yadav, W/o Bansi Lal Yadav, Aged About 50 Years, Resident Of Kailash Nagar, Titurdih-Durg, Police-Station-Mohan Nagar, Tehsil and District-Durg, Chhattisgarh. (Not Mentioned In Impugned Order).

---- Applicant

Versus

- State of Chhattisgarh Through The District Magistrate, District-Durg, Chhattisgarh.,

---- Respondent

For applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. D.P. Singh, Dy. Adv. General.

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

26/03/2021

Heard.

1. This revision petition has been brought being aggrieved by the judgment dated 08.02.2021 (Annexure-A/1) passed by the learned Additional Sessions Judge(FTC) and Special Court POCSO Act, Durg, District-Durg in Criminal Appeal No.31/2021, dismissing the appeal and upholding the order of bail rejection by the Juvenile Justice Board.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. The fact of case shows that this applicant has not participated in the commission of offence as alleged. The social status report had been in favor of the applicant, but the Courts below did not appreciate the same and passed the order of rejection, therefore, the impugned orders are not sustainable. In these circumstances, both the orders impugned herein are liable to be set

aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that this applicant had criminal history and there is one previous case registered under Section 294 & 323 of IPC and also looking to the gravity of case he is not entitled for grant of bail. The revision petition be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. The gravity of the offence cannot be made a ground for rejection of bail to any juvenile offender under the provision of Section 12 Juvenile Justice (Care and Protection of Children) Act, 2015. The social status report does not mention any specific circumstance on the basis of which it can be concluded, that any ground is available under the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for bail rejection. 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 applicant, 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 applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/-, which is to be of his natural guardian/mother, along with a bond of the same amount to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/father.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge