

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 153 of 2021

- Aashana Jaiswal Daughter of Ashok, Aged About 14 Years, Resident of Ward No.14, Bhagatsingh Nagar, Kasniya, P.S. Katghora, District Korba (Chhattisgarh) through legal natural guardian mother namely Smt. Poonam Jaiswal, Wife of Ashok, Aged About 36 Years, Resident of Village Kasniya, Tahsil Podiuproda, District Korba (Chhattisgarh), District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, Police Station Sakri, Distt. Bilaspur (Chhattisgarh), District : Bilaspur, Chhattisgarh

---- Respondent/Non-applicant

For Applicant – Shri Lavkush Kumar Sahu, Advocate.

For State/Respondent – Shri Gurudev I. Sharan, Govt. Advocate.

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

31-03-2021

1. Heard.
2. This revision petition has been brought challenging the correctness, legality and propriety of the order dated 18-02-2021 passed in Criminal Appeal No.22/2021 by the Additional Sessions Judge (F.T.C.), Bilaspur, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicant that the applicant is child of only 14 years of age. There is no direct evidence present in the case regarding her involvement. The memorandum statement given by her and the co-accused persons are not admissible. The social status report had been in favour of this applicant which has been been ignored by the Board and also by the appellate Court. Therefore, the orders passed by the Board as well as the appellate Court are erroneous. Hence, it is prayed that this revision petition be allowed.
4. Learned counsel for the State/respondent opposes the submission and submits that it is a case of heinous offence of murder, in which this applicant

had actively participated in commission of the offence. Therefore, learned Board and the appellate Court have not committed any error in dismissing the bail prayer made by the applicant. Hence, the revision petition be dismissed.

5. Heard learned counsel for the parties and perused the documents.

6. Considered the submissions. The applicant is a child of only 14 years of age. The social status report does not mention of any circumstance which can be made a ground for rejection of bail prayer according to the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, I am of this view that this revision petition deserves to be allowed.

7. Accordingly, this revision petition is allowed. 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 legal natural guardian mother of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of her legal natural guardian mother.

Sd/-

(Rajendra Chandra Singh Samant)
Judge