

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 172 of 2021

1. Hemlal Kenwat S/o Bidur Kenwat Aged About 17 Years Through Their Natural Guardian Puniram Kenwat,
 2. Purushottam Kumar Kanwar S/o Ghansiram Kanwar Aged About 16 Years Through Their Natural Guardian Ghasiram Kanwar,
- (Both are r/o Village Jarwe, P.S. Nagarda, Tehsil- Sakti, District - Janjgir Champa, Chhattisgarh)

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate Janjgir, District Janjgir Champa (Chhattisgarh)

---- Respondent

&

Cr.R. No. 202 of 2021

- Ghanshyam Patel Aged About 16 Years Through Guardian The Child In Conflict With Law, S/o Sukeshwar Patel, Aged About 47 Years, R/o Village Jarve, Police Station Nagarda, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nagarda, By Kotwali Janjgir, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant (Cr.R. No.172/2021):	Mr. Kamal Kishore Patel and Mr. Gejendra Singh, Advocates.
For Applicant (Cr.R. No.202/2021):	Mr. Sumit Singh, Advocate.
For State/ Respondent :	Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13/04/2021

1. As both the revision petitions arise out of the case based on same crime number, therefore, they are being disposed off by this common order.
2. Cr.R. No.172 of 2021 has been brought against the order dated 17.02.2021 passed in Criminal Appeal No.27/2020 by the Special Judge, F.T.C. (POCSO Act) Sakti, dismissing the appeal and upholding the order of bail rejection by Juvenile Justice Board.
3. Cr.R. No.202/2020 has been brought against the order dated 03.10.2020 passed by the Additional Sessions Judge (F.T.C.), District- Janjgir- Champa, C.G. in Criminal Appeal No.52/2020, dismissing the appeal and upholding the order of bail rejection by the Juvenile Justice Board.
4. It is submitted by the counsel for applicants that the applicants are innocent and have been falsely implicated in this case. Although there is allegation that the deceased was dead because of thrashing given by these applicants and other but the post-mortem report shows that the cause of death of deceased is electrocution. Hence, the allegation is false. The social status report also does not mention of any circumstance, which could have been made a ground for bail rejection, therefore, the impugned orders suffer from infirmity, hence, it is prayed that both these revision petitions may be allowed and the relief may be granted to the applicants.
5. Learned State Counsel opposes the petitions and submits that it is a case of commission of heinous offence of murder by these applicants, further, there is statement of an eye-witness present in the case diary regarding the involvement of these applicants in the commission of

offence, therefore, there is no entitlement for grant of bail to the applicants. The Board and the appellate Court both have not committed any error in passing the orders, therefore, this revision petition may be dismissed.

6. I have heard learned counsel for the parties and perused the documents placed on record.
7. Considered on the submissions. As it has been submitted by the applicant side that there is a dispute regarding the cause of death of the deceased which is a ground for defence of these applicants. Further, the social status report does not mention of any circumstance present which could have been made a ground for bail rejection as required under Section 12(1) of Juvenile Justice (Care and Protection of Minor) Act, 2015 and the gravity of offence is certainly not a ground for rejection of bail, hence, I am of this view that the impugned order and the order of the appellate Court both suffer from infirmity. Hence, both these revision petitions are allowed.
8. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of the same amount, which is to be of parents/guardian of applicants in both petitions, 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 parents/guardian on the condition that they shall not allow the applicants to associate with any known criminal elements.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge