

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 158 of 2021

- Trilokchand Satnami S/o Shri Kalap Satnami, Aged About 15 Years, R/o Village Thelkobeda, Police Station Khariyarroad, Tahsil and District Nuapada (Orissa) Through Natural Guardian (Father of the applicant) Shri Kalap Satnami, S/o Vijay Kumar Satnami, Aged About 45, R/o Village Thelkobeda, Police Station Khariyarroad, Tahsil and District Nuapada (Orissa), District : Nuapada, Orissa

---- Applicant

Versus

- State of Chhattisgarh, Through: District Magistrate, Mahasamund, District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Mayank Chandrakar, Advocate.

For State/Non-applicant – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-04-2021

1. Heard.
2. This revision petition has been brought against the order dated 22-02-2021 passed in Criminal Appeal No. H-12/2021 by the Child Court/ Additional Sessions Judge, FTC, Mahasamund, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of the Juvenile Justice Board rejecting the bail application of the applicant.
3. It is submitted by learned counsel for the applicant that the applicant is only 15 years old boy who is not mentally and physically developed person and he is at present under detention. There is no criminal antecedent and further, the social status report also does not mention of any circumstance which may be a ground for refusal of bail to the applicant. Therefore, the Board and the appellate Court both have committed error in passing rejection orders. Hence, it is prayed that this revision petition be allowed and the applicant be granted bail.
4. Learned counsel for the State/non-applicant opposes the submission and submits that the applicant is found involved in commission of offence of Dacoity with other grown up accused persons which shows that he is

associated with criminal elements in the past and he may also associate with them in future if he is released on bail. Further, the applicant is resident of Orissa, therefore, if he is released on bail he may not be available for trial. The report of the Probation Officer clearly mentions that the applicant requires institutional rehabilitation. Therefore, the Board and the appellate Court have not committed any error in passing the orders. Hence, the revision petition be dismissed.

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

6. Considered the submissions. Firstly, the age of the applicant is 15 years; secondly, it is natural father of the applicant who is seeking his custody; thirdly, there is no criminal antecedent of this applicant and it is informed that the applicant is student of class-IX at present; although, the social status report given mentions that the applicant requires institutional care and protection, but care and protection of the natural parents of the applicant can be deemed as best; further, there is no circumstance mentioned in the social status report which could have been a ground for rejection of bail under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, I am of this view that the impugned order and order of the Board both suffer from infirmity and 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 natural guardian father 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 his natural guardian father.

Sd/-
(Rajendra Chandra Singh Samant)
Judge