

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****CR.R. No. 198/2021**

Suraj Kumar, aged about 14 years, S/o. Shri Karu Tanti, R/o. Mirbidha, P.S. Warisliganj, Distt. Navada, Bilaspur, through Natural Guardian father Karu Tanti.

Applicant**VERSUS**

State of Chhattisgarh, through State Cyber, Police Thana Nava Raipur (CG)

Non-applicant

 For Applicant : Shri Atnu Ghosh, Adv.
 For respondent/State : Shri H.S. Ahluwalia, Dy. Adv. General.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****11-6-2021**

1. Challenge in this revision petition is to the order dated 1-2-2021 passed by learned Child Court/Additional Sessions Judge (FTC), Raipur in CR.A. No. 12/2021 whereby the appeal preferred by the applicant-jvenile against the order of the Juvenile Justice Board, Mana Camp, Raipur dated 15-1-2021 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 14 years old boy, he is innocent and falsely implicated in this case. He has no previous criminal antecedent. He is a student of Class 10th. He has not committed any misconduct during custody in the Observation Home. Charge sheet has been filed. Nothing negative report has been shown in his social status report, in spite of that, the Board as well as the appellate Court have refused him to grant bail. Therefore, the impugned orders of both

the Courts below are 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. 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.

5. Learned appellate Court has mentioned in its order that it is mentioned in the social status report of the applicant submitted by Probationary Officer that the social environment and home condition of the applicant is below standard. It seems that he has been influenced by his companions. Learned appellate Court has not mentioned anything in its order regarding the social status report of the applicant which may be a ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Gravity of offence is not to be taken into consideration for grant of bail to a juvenile. Looking to the above, 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.

6. Consequently, the revision is allowed. The order dated 1-2-2021 passed by learned Child Court/Additional Sessions Judge (FTC), Raipur in Cr. A. No. 12/2021 is set aside. It is directed that on furnishing a surety of Rs. 20,000/- along with a bond of same

amount which is to be of his natural guardian/father, 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.

7. Certified copy as per rules.

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

Pathak/-