

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 193 of 2021**

- Ritesh Kumar Pathare @ Mukesh S/o Shiv Kumar Aged About 17 Years R/o Chandrashekhar Nagar, Sangam Chowk, Lodhipara, P.S. Pandri, District Raipur Chhattisgarh through Legal Natural Guardian father Shiv Kumar, Son Of Konda Ram, Aged About 40 Years, Resident Of Chandrashekhar Nagar, Sangam Chowk, Lodhipara P.S. Pandari, District Raipur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Pandri, District Raipur Chhattisgarh

---- Respondent

For the applicant	:	Mr. S. P. Sahu, Adv.
For respondent/State	:	Mr. Guredev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****06.04.2021**

1. Heard.
2. This criminal revision has been preferred being aggrieved by order dated 18.02.2021 passed by the Additional Sessions Judge(F.T.C.) Raipur in criminal appeal No.30/2021 dismissing the appeal upholding the order of bail rejection passed by Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur dated 06.02.2021 in case No.28/2021.
3. It is submitted by counsel for the applicant that the impugned order is erroneous and illegal. There is no evidence present in the case regarding active participation of the applicant in the commission of offences as alleged. The report of the Probation Officer shows that the applicant does not have any criminal antecedent, he is not a person from criminal back ground, therefore it was a fit case in which the applicant should have been benefited for grant of bail. Bail rejection orders passed by the Board and the appellate Court are erroneous and hence revision petition be allowed and the applicant be released on bail.

4. State Counsel opposes the submissions and submits that it is a case of commission of heinous offence of murder, in which, the applicant was a member of the unlawful assembly. Further the report of the Probation Officer mentions that there is possibility of this applicant being associated with criminal element in future and also his release on bail would defeat the ends of justice. Hence, the Board and appellate Court both have not committed any error in passing the rejection orders. Hence, this revision petition be dismissed.
5. Considered on the submissions. According to the facts of the case this applicant is not the person who has inflicted the fatal injury to the deceased, although there is evidence regarding his presence along with accused persons. The report of the Probation Officer mentions that this applicant has no criminal antecedent. The opinion of the Probation Officer that this applicant may be associated with criminal elements and that his release on bail would defeat the ends of justice is not based on any reason, such opinion cannot be regarded as reasonable. Hence, in the opinion of this Court, it is a fit case where the applicant should have been extended the benefit of regular bail by the Board and appellate Court. Hence, this Court is of the view that the orders passed by the Board as well as by the appellate Court are not sustainable.
6. Consequently, revision petition is allowed. The order dated 18.02.2021, passed by learned Additional Sessions Judge(FTC) Raipur(C.G.), in Criminal Appeal No.30/2020, is set-aside. It is directed that on furnishing a surety of Rs.25,000/- along with a bond of same amount, which is to be of his 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge