

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.225 of 2021**

- Nitesh Dhuri @ Sudarshan @ Chhotu Dhuri S/o Shri Basant Dhuri Aged About 14 Years, Through Guardian (Father) Basant Dhuri, S/o Ganesh Dhuri, R/o Ward No. 2, Chulghar Road Takhatpur, Police Station Takhatpur, District Bilaspur Chhattigarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O., Police Station Takhatpur, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant : Shri Ravindra Sharma, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.6.2021.**

1. Challenge in this revision petition is to the order dated 10.3.2021 passed by learned Additional Sessions Judge (FTC), Bilaspur (CG) in Criminal Appeal No.35/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Bilaspur dated 03.3.2021 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, he has not committed any offence as alleged against him. The applicant/juvenile has no previous criminal antecedent. He has

not committed any misconduct during the custody in the Observation Home. He is in Observation Home since 16.12.2020. No negative report has been shown in the social investigation 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 the bail may be granted to the applicant/juvenile.

3. Learned counsel for the State 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. As per the social investigation report, the applicant/juvenile is a student and he is having interest in studies. He is a well behaved person, there is no criminal antecedent reported against him. Due to digging of sewer in the field, dispute arose between the complainant and the family members and there was abuse and assault among them. The applicant was also involved in the assault.

6. Perusal of the social investigation report shows that there is nothing in the said report which may be a ground for dismissal of the bail to the juvenile under the proviso to Section 12(1) of the

Juvenile Justice (Care and Protection of Children) Act, 2015.

The Board as well as the appellate Court, both have committed error in not appreciating the social investigation report properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 10.3.2021 passed by the Additional Sessions Judge (FTC), Bilaspur in Criminal Appeal No.35/2021 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 natural guardian/father/mother, 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/mother.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE