

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through Video Conferencing****Cr.R. No.261 of 2021**

Sandeep Banjare, Son of Hari Banjare, aged about 17 years, minor, represented through father Hari Banjare, son of late Maniram, aged about 50 years, resident of Village Bhansoj, Police Station Arang, Tahsil Arang, Block No.2, Room No.3, District Raipur(C.G.)

**---- Applicant/Petitioner****Versus**

State of Chhattisgarh, through the Station House Officer, Police Station Mandir Hassaud, District Raipur (CG).

**---- Non-applicant/Respondent**


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| For Applicant           | : Mr. Pradeep Singh Rathore, Advocate |
| For State/Non-applicant | : Mr. D.K. Tiwari, Dy.G.A.            |

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**Hon'ble Mr. N.K. Chandravanshi, Judge****ORDER ON BOARD****10.06.2021**

1. Challenge in this petition is to the order dated 09.03.2021 passed by learned Juvenile Court/Additional Sessions Judge (FTC), Raipur in Criminal Appeal No.45/2021, whereby the appeal preferred by the applicant/juvenile against the order of Juvenile Justice Board, Mana Camp, Raipur dated 25.02.2021 has been dismissed, whereby the applicant/juvenile has been denied bail.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Learned Courts below have failed to appreciate that the present applicant is not involved in the offence. He was not having knowledge about the said plan. He further submitted that the applicant is in the observation home since 04.11.2020, he has no criminal antecedent. He further submitted that the Board as well

as the Appellate Court, both have committed error in not appreciating the social status report in proper manner. He further submitted that the impugned order and the Board's order, both are erroneous and not sustainable and requires interference. Thus, it is requested that criminal revision may be allowed and the applicant may be granted bail.

3. Learned counsel for the State opposed the criminal revision submitting that the applicant has taken active participation in the offence. The Board and the Appellate Court have not committed any error in passing the impugned orders, therefore the applicant is not entitled for grant of bail.

4. I have heard learned counsel for the parties and perused the documents placed on record.

5. Considered the submissions as well as the facts and circumstances of the case. Learned Appellate Court has mentioned in his order about social status report prepared by the Probation Officer in which it has been mentioned that the applicant/juvenile is of middle class family and studying in Class-12 and this is the first case against him. Although, it has also been mentioned in the social status report, as mentioned by the learned Appellate Court that, if the applicant/juvenile is released on bail then he may come in contact/association with any unknown criminals, but no ground has been mentioned for this opinion. No circumstance has been shown on the basis of which it can be believed that there is ground for dismissal of bail of the applicant/juvenile under proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act.

6. In view of the above, it is found that the Board as well as Appellate Court, both have committed error in rejecting the bail application of the applicant/juvenile. Hence for this reason, I am inclined to allow this criminal

revision.

7. Consequently, the order dated 09.03.2021 passed by the Additional Sessions Judge (FTC), Raipur in Criminal Appeal No.45/2021 and order dated 25.02.2021 passed by Principal Judge, Juvenile Justice Board, Mana Camp, Raipur are 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 guardian/father, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant/juvenile shall be given in custody of his natural guardian/father.

8. Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)  
Judge

L/-