

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.251 of 2021**

- Naveen Roshan Kujur S/o Kamil Kujur Aged About 12 Years Occupation Student Through Guardian/ Mother Phoolmani Kujur W/o Kamil Kujur, Aged About 40 Years, R/o Village Mangari (Junapara) Police Station And Tehsil Sitapur District Surguja Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Sitapur District Surguja Chhattisgarh

---- Respondent

For Applicant : Shri Anurag Dayal Shrivastava, Advocate
 For respondent/State : Shri Vimlesh Bajpai, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****14.6.2021.**

1. This criminal revision has been preferred against Order dated 29.01.2021 passed in Criminal Appeal No.05/2021 by Child Court/Additional Sessions Judge, FTC (Special Court under the Protection of Children from Sexual Offences Act, 2012), Ambikapur Distt. Surguja, whereby the appeal preferred by the applicant/juvenile against the order of Juvenile Justice Board, Ambikapur Distt. Surguja has been dismissed and the applicant has been denied bail.

2. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged by the prosecution and he has been falsely implicated in the crime in question. The social

investigation report does not reveal any fact which would suggest that release of the applicant would expose him to the moral, psychological or physical danger or bring him in association with any known criminal but without appreciating these facts, both the Courts below have wrongly dismissed the application and denied him bail. Learned counsel for the applicant further submits that the applicant is about 12 years of age and he is in Observation Home since 18.12.2020 and staying there for more period will adversely affect his childish mentality, therefore, it is prayed that present revision petition may be allowed and relief may be granted to the applicant.

3. Learned counsel for the State while opposing the revision petition submits that the applicant and other juveniles, who are in conflict with law, have committed heinous offence and present applicant has made video of the offence and made viral in social media. He further submits that as per the social status report, the applicant is not in complete control or in discipline of elders in his family, therefore, the Juvenile Justice Board as well as the appellate Court 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 place on record and considered the submissions made by counsel for both the parties.

5. The applicant is aged about 12 years and it is his mother who is seeking his custody. It has been mentioned in the social status report that the applicant is in a habit of taking gutka and alcohol and

sometimes, he does not listen to his family members. Although it has been mentioned that another case against the applicant is pending before the Juvenile Justice Board at Ambikapur but details of that case is not mentioned. The specific circumstances which are required to be present to deny the bail according to the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 are not found in the present case. In the above facts and circumstances, I find that orders of rejection passed by the Juvenile Justice Board as well as the appellate Court are erroneous and not sustainable. Hence, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 29.01.2021 passed by the Child Court/Additional Sessions Judge, FTC (Special Court under the POCSO Act), Ambikapur Distt. Surguja in Criminal Appeal No.05/2021 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/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/mother.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE