

CR.R. No.247/2021

Applicant

Non-applicant

Order On Board

2. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged against her. She has been named only on the basis of memorandum statement, but nothing has been seized from her. He further submits that after completion of investigation, charge-sheet has been filed. Nothing has been mentioned against the applicant in her social investigation

report. Despite of that, the Board and appellate Court have dismissed her bail application without following special provision enumerated in Juvenile Justice (Care and Protection of Children) Act, 2015 pertaining to the bail of juvenile. He further submits that the another juvenile namely Aashana Jaiswal in conflict with law has been granted bail by the co-ordinate Bench of this Court on 31.03.2021. Hence, it is prayed that this revision petition may be allowed and the bail may be granted to the applicant.

3. On the other hand, learned State Counsel opposes the submission and submits that it is a case of heinous offence of murder, in which the applicant has played active role in commission of the offence. She has participated for murder of her own mother. Therefore, the Board and the appellate Court have not committed any error in dismissing the bail prayer made by the applicant. He further submits that looking to the above facts, this revision petition may be dismissed.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made herein by counsel for both the parties with utmost circumspection.

5. Considered the submissions made by the learned counsel for both the sides.

6. The applicant is a juvenile. It has been mentioned in her social investigation report that this is the first offence committed by the applicant. Her conduct and behaviour with her neighbours were good. She is a student and her study is required to be continued in

the interest of her. She involved in the incident due to her circumstances and immaturity. No any special circumstance has been mentioned in her social investigation report, which may be a ground for dismissal of the bail application of a juvenile as provided under 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 not appreciated the social investigation report properly and have committed error in rejecting the bail application of the applicant. Looking to these facts and also that the another juvenile namely Aashana Jaiswal in conflict with law has been granted bail by the co-ordinate Bench of this Court. Hence for these reasons, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 10.03.2021 passed by learned Additional Sessions Judge (FTC), Bilaspur, District Bilaspur (CG) in Criminal Appeal No.39/2021 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 applicant's guardian, to the satisfaction of the concerned Juvenile Justice Board, for her appearance as and when directed, then the applicant-jvenile shall be given in custody of the applicant's guardian.

8. Certified copy as per rules.

**SD/-
(N.K. Chandravanshi)
JUDGE**