

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.248 of 2021**

- Sahil @ Karan Netam (Juvenile) S/o Bhagwani Ram Netam Aged About 17 Years R/o Makeswar Ward, Dhamtari, District- Dhamtari (C.G.) Through His Legal/natural Guardian Mother, Smt. Gangabai Netam, W/o Bhagwani Ram Netam, Aged About 38 Years, R/o- Makeswar Ward, Dhamtari, District- Dhamtari (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through The District Magistrate, Dhamtari, District- Dhamtari (C.G.)

---- Respondent

 For Applicant : Shri Shivendu Pandya, Advocate
 For respondent/State : Shri Raghavendra Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****21.6.2021.**

1. Challenge in this revision petition is to the order dated 17.9.2020 passed by learned Additional Sessions Judge (FTC), Dhamtari (CG) in Criminal Appeal No.37/2020 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Dhamtari dated 09.9.2020 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 26.11.2019. 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. The applicant is aged about 17 years and it is his mother who is seeking his custody. As per the social investigation report, there is no criminal antecedent reported against the applicant. It has also been mentioned in the social status report that there was love affair between the applicant and the prosecutrix. Except these observations, there is no specific circumstances which are required to be present to deny the bail to the applicant.

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 17.9.2020 passed by the Additional Sessions Judge (FTC), Dhamtari in Criminal Appeal No.37/2020 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 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