

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 256/2021

Minor Sonu @ Chintu, through Vijay Chouhan, S/o Vijay Chouhan, aged about 17 years, R/o Ward No.08, Riyapara, Raigarh, Tahsil and District Raigarh (CG).

Applicant

VERSUS

State of Chhattisgarh, through Station House Officer, Police Station Gharghoda, District Raigarh (CG).

Non-applicant

 For Applicant : Shri Ashish Gupta, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

29-6-2021

1. Challenge in this revision petition is to the order dated 16.02.2021 passed by learned Additional Sessions Judge (FTC), Raigarh, District Raigarh (CG) in Criminal Appeal No.23/2021 whereby the appeal preferred by the applicant-jvenile against the order of the Juvenile Justice Board, Raigarh, District Raigarh (CG) dated 03.02.2021 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by the learned counsel for the applicant that the applicant-jvenile is innocent and has been falsely implicated in this case. Nothing has been mentioned against him in his social investigation report on the basis of which, the bail could be denied to him. He further submits that the applicant is in the Observation Home since 16.01.2021. More period of the detention would affect on his childish mentality. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant-jvenile.

3. On the other hand, learned State Counsel opposes the revision petition submitting that two other criminal cases have been registered against the applicant-jvenile. Despite of that, he has been indulged on the alleged crime of theft, therefore, the applicant-jvenile is not entitled for grant of bail.

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. As per social investigation report, the applicant-jvenile belongs to the poor family. He has been influenced with the association of bad environment, but at present his behaviour is improving. Nothing any special circumstance has been mentioned in the social investigation report of the applicant-jvenile, which may be a ground for dismissal of the bail application of the applicant-jvenile under proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The applicant-jvenile is in the Observation Home since 16.01.2021. More period of the detention may affect on his childish mentality.

7. Looking to the above facts and circumstances of the case, I am inclined to allow this revision petition.

8. Consequently, the revision is allowed. The order dated 16.02.2021 passed by learned Additional Sessions Judge (FTC), Raigarh, District Raigarh (CG) in Criminal Appeal No. 23/2021 is 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 natural guardian mother/father, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant-jvenile shall be given in custody of his natural guardian mother/father.

9. Certified copy as per rules.

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

L/-