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HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No. 276 of 2021**

- Avinash @ Chintu Dhurve, S/o Sitaram Dhurve, aged about 14 years 09 months, Minor, Through Natural Guardian – Mother Anita Dhurve, W/o Sitaram Dhurve, aged about 34 years, R/o Adarsh Nagar, Kawardha, Police Station and Tahsil – Kawardha, District Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through – District Magistrate, District Kabirdham (C.G.)

----Non-applicant

 For Applicant : Mr. Dharmesh Shrivastava, Advocate.
 For Non-applicant/State : Mr. Praveen Shrivastava, PL

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****12-7-2021**

(1) Challenge in this revision petition is to the order dated 08.02.2021 passed by learned Additional Sessions Judge (FTC), Kabirdham, District Kabirdham (C.G.) in Criminal Appeal No.02/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Kawardha, District – Kabirdham (C.G.) dated 23.12.2020 has been dismissed, whereby 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 of 14 years and 9 months of age, who is studying in Class-IX, he has been falsely implicated in this case. Main perpetrator namely Rajesh @ Rajendra @ Khelan of the offence, who is another juvenile, has

already been granted bail by the Coordinate Bench of this Court vide order dated 12.02.2021 passed in Criminal Revision No. 27 of 2021. There is nothing against him in the social status report, on the basis of which, he may be denied bail in view of proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He further submits that the applicant is in Observation Home since 8.12.2020 and staying there for more period will adversely affect his childish mentality. He also submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are unsustainable in the eye of law, therefore, the revision petition may be allowed and requested relief may be granted to the applicant / juvenile.

(3) On the contrary, learned counsel for the State while opposing the revision petition would submit that though the applicant is juvenile but he has committed grievous offence along with another juvenile and, therefore, he has rightly been denied bail by the Board as well as appellate Court.

(4) Victim/prosecutrix and her father would submit that bail should not be granted to the applicant/juvenile and bail application filed by the applicant must be rejected.

(5) I have heard learned counsel for the respective parties, perused the documents placed on record and also considered the submissions made by counsel for both the parties.

(6) Admittedly, the applicant is said to be 14 years and 9 months of age. As per social status report, this is first case of crime registered against the applicant and there is no previous criminal antecedents against the applicant. Applicant is languishing in Observation Home since 8.12.2020 and another juvenile, who is main perpetrator of the offence, has already been granted bail by the coordinate bench of this Court vide order dated 12.02.2021 passed in Cr.R. No. 27 of 2021. No any such specific circumstances mentioned in social status report, which may be a ground for

denial of bail to the applicant/juvenile as per proviso to Section 12(1) of Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, the Juvenile Justice Board as well as Appellate Court, both have committed an 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 8.2.2021 passed by Additional Sessions Judge (FTC), Kabirdham, District Kabirdham (C.G.) in Criminal Appeal No. 2/2021 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/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

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

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12/7/2021	Mr. Dharmesh Shrivastava, counsel for the applicant. Mr. Praveen Shrivastava, Panel Lawyer for the State / non-applicant. Service report of notice issued to the victim/prosecutrix is awaited. Victim/Prosecutrix alongwith her father have appeared through Video Conferencing from Help Desk No. 2, High Court Premises, Bodri, Bilaspur. Mr. Manish Kerketta, Data Entry Operator & Incharge of Help Desk No. 2, High Court Premises, Bodri, Bilaspur, who connected the victim/prosecutrix and her father through Video Conferencing, would submit that victim/prosecutrix and her father have not brought Adhaar Card or any other document relating to their identification but they have brought copy of notice issued to the victim/prosecutrix. He is directed to get the photo-copy of the notice brought by the Victim/prosecutrix and to provide the same to the Registry of this Court, so that the same will be attached with this case. Victim/Prosecutrix and her father submit that bail should not be granted to the applicant/juvenile and bail application filed by the applicant must be rejected. Detailed order passed separately. Sd/- (N.K. Chandravanshi) Judge
D/-	