

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No.307 of 2021**

- Rishabh Choudhary S/o Rajesh Choudhary Aged About 13 Years Through Natural Legal Guardian Father Rajesh Choudhary, Age About 35 Years, R/o 56- Dafai, Khongapani, P.S.- Jhagrakhand, District- Korea, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station- Jhagrakhand, District- Korea, Chhattisgarh.

---- Respondent

For Applicant : Shri Ramsevak Soni, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.6.2021.**

1. Challenge in this revision petition is to the order dated 26.3.2021 passed by learned Child Court/Special Judge under the Protection of Children from Sexual Offences Act, 2012, (FTC), Manendragarh Distt. Korla (CG) in Criminal Appeal No.06/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Baikunthpur Distt. Korla dated 04.3.2021 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 13 years of innocent boy studying in

Class-V, he has not committed any offence. Due to previous enmity between the family members of the applicant and the deceased, the applicant has been falsely implicated in the case. Name of the applicant is not mentioned in the FIR and only on the basis of suspicion, the applicant has been involved in the case. The applicant/juvenile has no previous criminal antecedent. He is in Observation Home since 16.11.2020 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 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 13 years and it is his father who is seeking his custody. It has been mentioned in the order of the appellate Court that as per the social status report, the applicant and the deceased are cousin brothers and on account of reformation and to prevail peace in the residential locality of the applicant, the applicant be kept in the Observation Home. 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 impugned orders show that there is nothing in the said orders 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. 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.

7. Consequently, the revision is allowed. The order dated 26.3.2021 passed by Child Court/Special Judge under the Protection of Children from Sexual Offences Act, 2012, (FTC), Manendragarh Distt. Koria (CG) in Criminal Appeal No.06/2021 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