

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision. No. 300 of 2021**

- Juvenile in conflict with law through his Natural Guardian Father, Aged about 14 years, S/o- Rajendra Jagat, R/o Krishna Nagar, Dagania, Raipur, Tehsil & District- Raipur, C.G.(C.G.)

---- Applicant

Versus

- State of Chhattisgarh, Through- Police Station Tikrapara, District Raipur, C.G.

---- State/Non-Applicant

For Applicant : Shri Pushkar Sinha, Advocate

For Non-Applicant/State : Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****06.12.2021**

1. Heard.
2. Admit.
3. This criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act has been preferred against the order dated 17.03.2021 passed by the Children Court/Additional Sessions Judge, (F.T.C.), Raipur District Raipur (C.G.) in Criminal Appeal No. 49/2021, upholding the order dated 05.03.2021 passed by the Principal Magistrate, Juvenile Justice Board, Raipur rejecting the bail application of the applicant in connection with Crime No. 07/2021 registered at Police Station Tikrapara, District Raipur (C.G.) for the offence punishable under Sections 457, 380 read with Section 34 of IPC.
4. The case of the prosecution, in brief, is that on 05.01.2021 complainant Sunil Kumar Verma lodged a written report that in between 04.01.2021 at 01:00 p.m. and 05.01.2021 at 05:00 pm some unknown person broke the lock of his house and stole gold & silver jewelry and cash amount from there. On the basis of written report, F.I.R. has been lodged under Section 457, 380, 34 of IPC and matter has been investigated. During investigation, on the

basis of memorandum of applicant, offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant/juvenile is innocent boy and has been falsely implicated in this case. He submits that the Courts below failed to appreciate the fact that there is no direct or clinching evidence against the applicant. The Courts below have also not properly appreciated the social status report of the Probation Officer. Therefore, the applicant/juvenile be released on bail.
6. On the other hand learned State counsel opposes the revision petition. It is submitted that looking to the nature and gravity of the offence, the fact that the applicant has one more criminal antecedent bearing Crime No. 214/2020 for the offence under Section 379 of IPC, the report of the Probation Officer, both the Courts below were justified in rejecting the prayer of bail of the applicant.
7. Heard learned counsel for the parties at length and perused the material available on record.
8. Considering the facts and circumstances of the case, the nature of offence, age of juvenile in conflict with law, the fact that he is in Observation Home since 28.01.2021, as per Section 14 of the Juvenile Justice (Care and Protection of Children) Act inquiry is to be completed within a period of four months from the date of first production of child before the Board which can be extended by two more months by the Board, the provisions of Section 12 of the said Act, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the criminal revision is allowed.
9. The impugned orders passed by both the Courts below are set-aside. It is directed that on furnishing two sureties bonds of Rs.50,000/- each, one of which is to be of the natural guardian of the juvenile, to the satisfaction of the

concerned Juvenile Justice Board, for his appearance as and when required before Juvenile Justice Board or Children Court, the applicant-juvenile shall be given in custody of his natural guardian.

10. Certified copy as per rules.

Sd/-

(Gautam Chourdiya)
Judge

vatti