

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through Video Conferencing****CR.R. No. 315 of 2021**

1. Juvenile in conflict with law "Ka", Through its natural Guardian Father "A", aged about 17 years,
2. Juvenile in conflict with law "Kha" Through its natural guardian Father "B", aged about 17 Years ,

Both resident of behind Chandi Mandir , Sarthi Para, Police Station City Kotwali , Durg , Tehsil and District Durg CG  
(Wrongly mentioned in the impugned order)

**Applicants****VERSUS**

State of Chhattisgarh through the District Magistrate District Durg CG

**Non-applicant**

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For Applicants : Shri Anmol Sharma, Adv.  
For non-applicant/State : Shri Raghvendra Verma, Govt. Adv.  
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**Hon'ble Shri Justice N.K. Chandravanshi****Order on Board****29-6-2021**

1. Challenge in this revision petition is to the order dated 26-3-2021 passed by learned Additional Sessions Judge 3rd Fast Track Special Judge (POCSO Act) Durg, Distt. Durg in CR.A. No. 85/2021 whereby the appeal preferred by the applicants-juvenile against the order passed by the Juvenile Justice Board, Durg dated 11-2-2021 in Crime No. 406/2020 of PS Mohan Nagar, Durg has been dismissed, wherein the applicants were denied bail.

2. In this revision petition, an affidavit has been filed by Smt. Rika Sarthi, W/o. Ratan Sarthi stating herself as mother of applicant No. 1 (Sujal Sarthi). Another affidavit has been filed by Smt. Ratna Sarthi, W/o. Vikrant Sarthi stating therein that she is mother of applicant No. 2 (Lucky @ Lallan Sarthi).

3. It is submitted by learned counsel for the applicants that the applicants are 17 years old boys, they are innocent and falsely implicated in this case. They have not committed any misconduct during custody in the Observation Home. Charge sheet has been filed. Nothing negative report has been shown in their social investigation report, in- spite of that, the Board as well as the appellate Court have refused them 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 bail may be granted to the applicants.

4. Learned State Counsel opposes the revision petition and submits that both the Courts below have not committed any error in passing the impugned orders, thus, the revision petition may be dismissed.

5. 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.

6. Learned appellate Court has mentioned in its order that it is mentioned in the Social Investigation Report of the applicants that they are religious, friendly and disciplined. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicants which may be a ground for denial of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Looking to the role played by the applicant in the incident, considering that they are in Observation Home since 19-12-2020

and charge sheet has been filed, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicants. Therefore, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 26-3-2021 passed by learned Additional Sessions Judge, 3rd Fast Track Special Judge (POCSO Act) Durg Distt. Durg in CR.A. No. 85/2021 is set aside. It is directed that on furnishing a surety of Rs. 20,000/- along with a bond of same amount by each of the applicants which is to be of their guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants shall be given in custody of their guardian/father/mother.

Certified copy as per rules.

**Sd/-  
(NK Chandravanshi)  
Judge**