

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through Video Conferencing****CRIMINAL REVISION No. 317/2021**

Thaanu Yadav also known as Aggu S/o Late Ballu Yadav aged about 17 years (minor) through guardian mother Smt. Meena Yadav husband Lt. Ballu Yadav R/o Camp 1 Shastri Nagar, Mehman Coal Depot, near Prakash Kirana Store, Bhilai, Police Station Chawni, Durg CG

**Applicant****VERSUS**

State of Chhattisgarh through SHO Police Station Chhawani, Bhilai, District Durg CG

**Non-applicant**

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 For Applicant : Shri Aman Pandey, Adv.  
 For non-applicant/State : Shri Afroz Khan, Panel Lawyer  
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**Hon'ble Shri Justice N.K. Chandravanshi****Order on Board****24-6-2021**

1. Challenge in this revision petition is to the order dated 19-3-2021 passed by learned Additional Sessions Judge 1st Fast Track Special Judge (POCSO Act) Durg, Distt. Durg in CR.A. No. 76/2021 whereby the appeal preferred by the applicant-jvenile against the order passed by the Principal Magistrate, Addl. Juvenile Justice Board, Durg dated 5-3-2021 in Case No. 59/2021 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 17 years old boy, he is innocent and falsely implicated in this case. He has not committed any misconduct during custody in the Observation Home. Charge sheet has been filed. Nothing negative report has been shown in his social investigation report, in spite of that, the Board as well as the appellate Court have refused him 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 applicant.

3. Learned State Counsel opposes the revision petition and submits that earlier two more cases have been registered against him and 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. Learned appellate Court has mentioned in its order that it is mentioned in the social investigation report of the applicant that it is 3rd offence of the applicant-jvenile and he along with co-accused person demanding Ganja assaulted the complainant, and if he is released, there is possibility that he may come to the contact of drug addicts. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant which may be a ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Gravity of offence is not to be taken into consideration for grant of bail to a juvenile. The applicant is in Observation Home since 25-11-2020 and charge sheet has been filed as mentioned in the revision petition. Looking to the above, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 19-3-2021 passed by learned Additional Sessions Judge, 1st Fast Track Special Judge (POCSO Act) Durg Distt. Durg in CR.A. No. 76/2021 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, 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/mother.

Certified copy as per rules.

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

Pathak/-