

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 319 of 2021

1. Swaraj Kurrey, son of Channu Kurrey, aged 16 years
2. Sahil Kurrey, son of Channu Kurrey, aged 14 years,
both are through natural guardian Channu Kurrey, R/o. Mini Basti, Jarhabhata, PS Civil Lines, Bilaspur Distt. Bilaspur (CG)

Applicants

Versus

State of Chhattisgarh, through PS Civil Lines, Distt. Bilaspur (CG)

Non-applicant

 For Applicants : Shri Rahil Arun Kochar, Adv.
 For non-applicant/State : Shri Devesh Verma, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

19-8-2021

1. Challenge in this revision petition is to the order dated 20-5-2021 passed by learned Addl. Sessions Judge (FTC), Bilaspur, Distt. Bilaspur in CR.A. No. 67/2021 whereby the appeal preferred by the applicants-juveniles against the order passed by the Juvenile Justice Board, Bilaspur dated 6-5-2021 pertaining to Crime No. 423/2021 registered at PS Civil Lines, Bilaspur for offence under Sections 307, 294, 323, 506, 34 of the Indian Penal Code, and Sections 25 and 27 of the Arms Act has been dismissed, wherein the applicants were denied bail.
2. It is submitted by learned counsel for the applicants that the applicants are young boys of 14 – 16 years, they are innocent and falsely implicated in this case. In this case, in fact, complainant of this case had committed marpeet, threatened to kill and abused the applicant No. 1 and when applicant No. 2 and one Sanjay Jangde intervened, then Awadh Banjare assaulted them, abused and threatened them, in which, they have received injuries. He further submits that applicants are in observation home since 10-4-2021, charge sheet has been filed, more detention will affect their childish mentality. Despite that, by overlooking these facts and the provisions of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, both the courts below have denied bail to

the applicants, which is erroneous and not sustainable. It is prayed that the revision petition may be allowed and bail may be granted to the applicants.

3. Learned State Counsel opposes the revision petition and submits that this is 2nd time when the applicants are in conflict with law 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. A perusal of social investigation report shows that this is 2nd unlawful act registered against applicants, but their institutional conduct and behaviour is good. 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 fact that applicants are in observation home from 10-4-2021 as stated by learned counsel for the applicants, and other facts, 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.

6. Consequently, the revision is allowed. The order dated 20-5-2021 passed by learned Addl. Sessions Judge (FTC), Bilaspur in CR.A. No. 67/2021 is set aside. It is directed that if each of the applicants furnishes a surety of Rs. 20,000/- along with a bond of same amount which is to be of their natural 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 natural guardian/father/ mother.

Certified copy as per rules.

Sd/-

**(NK Chandravanshi)
Judge**