

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through Video Conferencing****CRR No. 335 of 2021**

Rijwan Khan S/o Iliyas Khan, Aged About 15 Years R/o Chuchuhiyapara, Ganesh Nagar, Ward No. 39, P.S. Sirgitti, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Sirgitti, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Hariom Rai, Advocate
For the State	:	Ms. Seema Dixit, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**09/08/2021**

1. Challenge in this revision petition is to the order dated 09/04/2021 passed by the learned Additional Sessions Judge (Fast Track Court) Bilaspur (C.G.) in Criminal Appeal No.60/2021, whereby the appeal preferred by the applicant-jvenile against the order dated 18/03/2021 of Juvenile Justice Board, Bilaspur in connection with Crime No. 06/2021 registered at Police Station Sirgitti, District Bilaspur has been dismissed, whereby the applicant has been denied bail.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, he is innocent, nothing against

him has been mentioned in the social status report, despite that the Board as well as Appellate Court both have dismissed his application without properly appreciating the facts mentioned in the social investigation report. The impugned orders passed by both the Courts are erroneous and not sustainable. It is prayed that the revision petition may be allowed and the bail may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that both the Courts below have not committed any error in passing the impugned order, therefore, the applicant/juvenile is not entitled for grant of bail.
4. I have heard learned counsel for both the parties and perused the documents available on record.
5. Considered on the submissions made by counsel for both the side. As per social investigation report of the applicant/juvenile it is first case against him. He is a student and his attitude is positive towards his family and neighbours. It has also been mentioned that his institutional behaviour and discipline is good. There is nothing in social investigation report, 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. The applicant is languishing in observation home since 02/01/2021. The Board as well as appellate Court, both have committed error in rejecting bail to the applicant/juvenile, therefore, I am inclined to allow this revision petition.

6. In view of the above, the order dated 09/04/2021 passed by the learned Additional Sessions Judge (Fast Track Court) Bilaspur in Criminal Appeal No. 60/2021 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 applicant's natural guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant/juvenile shall be given in custody of his natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE