

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 385/2021

Lallan @ Bhavesh Singh, S/o Nilamber Singh, aged about 16 years, Resident of Camp 1, Nehru Nagar Chowk, P.S. Supela Bhilai, District Durg (CG) (father's name and address is as per the charge sheet and completely not mentioned in the impugned order)

Through Natural Guardian Father Nilamber Singh, S/o Shri Meghnath Singh, aged about 55 years, Resident of Camp 1 Nehru Nagar Chowk P.S. Supela Bhilai District Durg(CG).

Applicant

VERSUS

State of Chhattisgarh, through the District Magistrate, District Durg (CG).

Non-applicant

 For Applicant : Shri Avinash Chand Sahu, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

28-7-2021

1. Challenge in this revision petition is to the order dated 20.05.2021 passed by learned Additional Sessions Judge 4th FTC, Durg, District Durg (CG) in Criminal Appeal No.110/2021 whereby the appeal preferred by the applicant-jvenile against the order of the Juvenile Justice Board, Durg, District Durg (CG) dated 13.05.2021 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by the learned counsel for the applicant that the applicant-jvenile is innocent boy and he has been falsely implicated in this case. Nothing has been recovered from him, which can relate him to the alleged crime. He is in the Observation Home since 19.02.2021. More period of the detention will affect on his childish mentality. Nothing has been mentioned against him in

his social investigation report. He has no criminal antecedent. Therefore, impugned order and the order of the Board are erroneous. It is prayed that this revision petition may be allowed and the relief may be granted to the applicant-juvenile.

3. On the other hand, learned State Counsel opposes the revision petition submitting that both the Courts below have not committed any error in passing the impugned orders. 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 placed on record.

5. Considered the submissions made by the learned counsel for both the parties and also perused the impugned order in case diary with social investigation report of the applicant-juvenile.

6. As per social investigation report of the applicant-juvenile, this is the first case registered against him. He is a regular student of Class-12th. He seems simple and sober in behavior. The applicant is in the Observation Home since 19.02.2021. More period of the detention may affect on his childish mentality. No any special circumstance has been mentioned in the social investigation report of the applicant-juvenile, which may be a ground for dismissal of the bail application of a juvenile under proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as the appellate Court both have committed error in rejecting the bail application of the applicant-juvenile.

7. Looking to the above facts and circumstances of the case, I am inclined to allow this revision petition.

8. Consequently, the revision is allowed. The order dated 20.05.2021 passed by learned Additional Sessions Judge 4th FTC, Durg, District Durg (CG) in Criminal Appeal No.110/2021 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/father, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant-jvenile shall be given in custody of his natural guardian mother/father.

9. Certified copy as per rules.

**Sd/-
(N.K. Chandravanshi)
JUDGE**

L/-