

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No. 325 of 2021**

- Juvenile In Conflict With Law, through natural guardian Father Kunjbihari Sahu S/o Late Baiju Sahu, Aged About 48 Years, R/o Village Ranai, Police Station Patna, Tahsil Baikunthpur, District Koriya (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through – Station House Officer, Police of Police Station Patna, District Koriya (C.G.)

----Non-applicant

 For Applicant : Shri Anil Gulati, Advocate
 For Non-applicant/State : Shri Dinesh RK Tiwari, Dy. Govt. Advocate

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****17-6-2021**

(1) Challenge in this revision petition is to the order dated 03.5.2021 passed by learned Additional Sessions Judge (FTC), Baikunthpur, Distt. Koria (CG) in Criminal Appeal No.23/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Baikunthpur Distt. Koria dated 01.4.2021 has been dismissed and the applicant/juvenile has been denied bail.

(2) It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, who is studying in Class-XI, he has been falsely implicated in this case on the basis of memorandum

statements of other co-accused persons. There is nothing against him in the social status report, on the basis of which, he may be denied bail in view of proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He further submits that the learned appellate Court has denied the bail on presumption that if the bail is granted to the applicant/juvenile, then, he may go with old circumstances and in association with criminal elements and his improvement would not be possible. He also submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are unsustainable in the eye of law, therefore, the revision petition may be allowed and requested relief may be granted to the applicant / juvenile.

(3) On the contrary, learned counsel for the State while opposing the revision petition would submit that applicant has previous criminal antecedents and he has been convicted in two cases.

(4) I have heard learned counsel for the respective parties, perused the documents placed on record and also considered the submissions made by counsel for both the parties.

(5) A careful perusal of the impugned order and order of Juvenile Justice Board reveal that both the courts below have denied the bail to the applicant/Juvenile on the ground that his releasing may be affected his improvement, therefore, it will be better to keep him in the Observation Home so that he may improve his bad habits and bad association.

(6) As per social status report, the applicant is studying in Class – XI and he has interest in studies. It has also been mentioned that the applicant/juvenile has been convicted by imposing fine sentence on his admission but no any such specific circumstances mentioned in social status report, which may be a ground for denial of bail to the applicant/juvenile as per proviso to Section 12(1) of Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, the Juvenile Justice Board as well as Appellate Court, both have committed an error in not appreciating the social investigation report properly and rejected the bail of the applicant/Juvenile. Hence, I am inclined to allow this revision petition.

(7) Consequently, the revision is allowed. The order dated 03.5.2021 passed by the Additional Sessions Judge (FTC), Baikunthpur, Distt. Korla in Criminal Appeal No. 23/2021 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/father/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/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
Judge