

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****CRR No. 327 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 Chhattisgarh

Applicant**VERSUS**

State of Chhattisgarh through Station House Officer, Police of
Police Station Patna, District Koriya Chhattisgarh

Non-applicant

For Applicant : Shri Anil Gulati, Adv.
For non-applicant/State : Shri Raghvendra Verma, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****23-6-2021**

1. Challenge in this revision petition is to the order dated 3-5-2021 passed by learned Addl. Sessions Judge (FTC), Baikunthpur Distt. Koriya, CG in Criminal Appeal No. 24/2021 whereby the appeal preferred by the applicant-juvenile against the order of the Juvenile Justice Board, Baikunthpur dated 1-4-2021 passed in Criminal 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 16½ 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. The applicant has been implicated in the offence only on the basis of memorandum statement of other co-accused person. He is in observation home since 24-2-2021. 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 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. Though it has been mentioned in the Social Investigation Report that other cases have been registered against the applicant-jvenile and he is associated with bad elements but this is a case of theft of trolley of tractor and the applicant-jvenile is in custody since 24-2-2020, therefore, looking to the nature and gravity of the offence and totality of the case, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 3-5-2021 passed by learned Additional Sessions Judge (FTC), Baikunthpur in Cr. A. No. 24/2021 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, 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.

7. Certified copy as per rules.

Sd/-
(NK Chandravanshi)
JUDGE