

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 326/2021

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 (CG).

Applicant

VERSUS

State of Chhattisgarh, through Station House Officer, Police Station Patna, District Koriya (CG).

Non-applicant

 For Applicant : Shri Anil Gulati, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

24-6-2021

1. Challenge in this revision petition is to the order dated 03.05.2021 passed by learned Additional Sessions Judge (FTC), Baikunthpur, District Koriya (CG) in Criminal Appeal No.21/2021 whereby the appeal preferred by the applicant-juvenile against the order of the Juvenile Justice Board, Baikunthpur, District Koriya (CG) dated 01.04.2021 has been dismissed, wherein the applicant was denied bail.

2. Learned counsel for the applicant submits that the applicant-juvenile has been falsely implicated in this case. He is in the Observation Home since long time. Nothing has been mentioned against him in his social investigation report on the basis of which, the bail could be denied to the applicant-juvenile. Juvenile Justice Board as well as appellate Court has dismissed the application only on the basis of assumption that if the applicant-juvenile is granted

bail, he may go to previous environment and his improvement would not be possible. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant-jvenile.

3. On the other hand, learned State Counsel opposes the revision petition submitting that in two other criminal cases, the applicant-jvenile has been convicted by imposing fine, therefore, the applicant-jvenile is not entitled for grant of bail.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made herein by counsel for both the parties with utmost circumspection.

5. Considered the submissions made by the learned counsel for both the sides.

6. This is the matter of theft of trolley of a tractor. The applicant-jvenile is in the Observation Home since long time. No such special circumstance has been mentioned in the social investigation report of the applicant-jvenile, which may be a ground for dismissal of the bail application of the applicant-jvenile under proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as appellate Court both have committed error in not appreciating the social investigation report of the applicant-jvenile properly. Hence for this reason, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 03.05.2021 passed by learned Additional Sessions Judge (FTC), Baikunthpur, District Koriya (CG) in Criminal Appeal No. 21/2021 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-juvenile shall be given in custody of his natural guardian mother/father.

8. Certified copy as per rules.

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

L/-