

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Order Sheet****Proceedings through Video Conferencing****Criminal Revision No. 332 of 2021**

- Minor Vishal Yadav, S/o- Babulal Yadav, aged about -17 years, Occupation -Student, Through his legal (natural) guardian/Grand Mother – Panbudi Yadav Widow of – Late Kunjal Yadav, aged about 75 years, R/o . Mitthumuda, Jutemill, Out Post Jutemill, P/s. Kotwali, Tahsil and District Raigarh (C.G.) [Child in conflict with law]

---- Applicant**Versus**

- State Of Chhattisgarh Through – The S.H.O. of the Police Station – Tamnar, District – Raigarh (C.G.)

----Non-applicant

 For Applicant : Shri Abhishek Safaf, Advocate.
 For Non-applicant/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****29-6-2021**

(1) Challenge in this revision petition is to the order dated 04.02.2021 passed by learned Additional Sessions Judge (FTC), Raigarh in Criminal Appeal No. 16/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Raigarh dated 27.01.2021 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 and he has been falsely implicated in the instant case because there is no direct evidence available on record to connect the applicant with the crime in question. There is nothing against

him in his 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 applicant has not committed any misconduct during custody in the Observation Home. He is in Observation Home since 03.07.2020, he is a boy of poor family and his father, brother & sister are doing labour work. 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) As per social investigation report, the applicant juvenile is a school dropper and he is having no interest in studies. He is a fully disciplined person in home but his social connections are not good. There are two cases pending against him, therefore, it will be better to keep him in the Observation Home so that he may improve his bad habits and bad association.

(6) Perusal of the social status report shows that the applicant is a boy of poor family, he is having no interest in studies, although it has been stated in social report that applicant has been convicted in two cases on his admission

and he is associated with bad elements, but the report does not mention about any specific circumstances which may be a ground for dismissal of the bail to the juvenile under the proviso to Section 12(1) of the 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 04.02.2021 passed by the Additional Sessions Judge (FTC), Raigarh in Criminal Appeal No. 16/2021 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/ grandmother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
Judge

Dubey/-