

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No. 347 of 2021**

- Devraj Sonkar, son of Shatrughan Sonkar, aged about 16 years, 8 months, resident of Sonkar Para, Near Sati Temple, Purani Basti, P.S. Purani Basti, Raipur, Raipur, District Raipur (C.G.) through legal natural guardian father Shatrughan Sonkar, aged about 50 years, son of Ramkhilawan @ Basawan Sonkar, resident of Sonkar Para, Near Sati Temple, Purani Basti, P.S. Purani Basti, Raipur, Raipur, District Raipur (C.G.) (In custody)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Purani Basti, Raipur, Distt. Raipur (C.G.)

----Respondent

 For Applicant : Mr. C.R. Sahu, Advocate
 For Non-applicant/State : Mr. Dinesh Tiwari, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****23-7-2021**

(1) Challenge in this revision petition is to the order dated 04.6.2021 passed by Special Judge (Atrocities) and Upper Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 83/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Mana Camp, Raipur dated 17.05.2021 in Crime No. 96/2021 has been dismissed, whereby 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-X, he has been falsely implicated in the crime in question. This is first crime registered against him. He further submits that the applicant is in Observation Home since 09.5.2021 and

staying there for more period will adversely affect his childish mentality. 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 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 both the courts below have not committed any error in passing the impugned order, which does not call for any interference by this Court.

(4) Victim/prosecutrix and her father & mother were appeared on 16.7.2021 through Video Conferencing from District Legal Service Authority, Raipur. They opposed the bail application and prayed that bail must not be granted to the applicant/juvenile.

(5) Considered on the submissions made by learned counsel for the parties and also gone through the submission made by prosecutrix and her parents.

(6) As per social status report, the applicant, who is studying in class X, had committed the crime under the influence of teenage frenzy but this is first case registered against the applicant and if he is granted bail then there is no probability to the effect that the applicant would again connect in association with known criminals or expose him to moral, physical or psychological danger. 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 status

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 04.6.2021 passed by Special Judge (Atrocities) and Upper Sessions Judge, Raipur (C.G.) in Criminal Appeal No.83/2021 is set aside. It is directed that on furnishing a surety of Rs.25,000/- 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

