

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Proceedings through Video Conferencing****CR.R. No. 341 of 2021**

- Yuvraj Sarthi @ Gattu S/o Vinod Sonwani Aged About 17 Years and 8 months minor through guardian his brother Chandan Sarthi Sonwani S/o Late Hirendra Sarthi Sonwani, aged about 27 years, R/o near Chandi Mandir Mathpara Durg Tehsil and District Durg CG

**Applicant****VERSUS**

State of Chhattisgarh through the District Magistrate District Durg CG

**Non-applicant**

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 For Applicant : Shri Avinash Chand Sahu, Adv.  
 For non-applicant/State : Shri Raghvendra Verma, Govt. Adv.  
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**Hon'ble Shri Justice N.K. Chandravanshi****Order on Board****29-6-2021**

1. Challenge in this revision petition is to the order dated 7-5-2021 passed by learned Additional Sessions Judge 2nd Fast Track Special Judge (POCSO Act) Durg, Distt. Durg in CR.A. No. 109/2021 whereby the appeal preferred by the applicant-juvenile against the order passed by the Juvenile Justice Board, Durg dated 12-4-2021 in Crime No. 406/2020 of PS Mohan Nagar (State of CG -v- Lakki Sarthi alias Lallan Sarthi and others) has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 17 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. Nothing negative report has been shown in his social investigation report, in spite of that, the Board as well as the appellate Court have refused

him to grant bail. Therefore, 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. Learned appellate Court has mentioned in its order that it is clearly mentioned in the Social Investigation Report of the applicant that he is under the influence of bad elements and due to improper care, he was engaged in bad acts. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant which may be a ground for denial of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Looking to the role played by the applicant in the incident, considering that he is in Observation Home since 19-12-2020 and charge sheet has been filed as mentioned in the revision petition, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 7-5-2021 passed by learned Additional Sessions Judge, 2nd Fast Track Special Judge (POCSO Act) Durg Distt. Durg in CR.A. No.

109/2021 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 guardian/mother/brother, 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 guardian/mother/brother.

Certified copy as per rules.

**Sd/-  
(NK Chandravanshi)  
Judge**

Pathak/-