

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No.361 of 2021**

- Suraj Bharadwaj S/o Keshav Bharadwaj, Aged About 17 Years (Minor) R/o Chouhan Para Ambedkar Nagar Tehsil Sarangarh, District Raigarh (C.G.), Represented Through His Elder Brother Satish Bharadwaj S/o Keshav Bharadwaj, Aged About 23 Years, R/o Chouhan Para Ambedkar Nagar Tehsil Sarangarh, District Raigarh Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh, Through Thana In - Charge, Police Thana Kosir, Tehsil Sarangarh, District Raigarh Chhattisgarh.

**---- Respondent**

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 For Applicant : Shri Rajendra Tripathi, Advocate  
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer  
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**Hon'ble Shri Justice N.K. Chandravanshi****Order On Board****16.9.2021.**

1. Challenge in this revision petition is to the order dated 30.3.2021 passed by the learned Additional Sessions Judge (FTC), Raigarh (C.G.) in Criminal Appeal No. 35/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Raigarh dated 03.3.2021 in connection with Crime No. 22/2021 registered at Police Station Kosir, Tahsil Sarangarh Distt. Raigarh (C.G.) has been dismissed, whereby the applicant has been denied bail.

2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated in this case. He is in Observation Home since 04.02.2021. More detention will adversely affect his childish mentality, nothing against him has been

mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed his application without properly appreciating the facts mentioned in the social status report. The impugned order passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

3. Mother of victim/prosecutrix namely Smt. Sarita Soni and father Shri Gurwaru Soni, assisted by Ms. Shakuntala Chouhan, *Pratidharak* Advocate appeared through Video Conferencing from District Legal Services Authority, Raigarh. The mother and the father of the victim/prosecutrix submit that they have no objection if bail is granted to the juvenile applicant.

4. Learned counsel for the State 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.

5. 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.

6. Perusal of the social status report shows that this is the first offence registered against the applicant/juvenile. The applicant is a student of Class-X. According to the report, his habit and conduct is good. He has committed this offence due to lack of discipline. No such circumstances have been mentioned, which may be a ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015,

he is in observation home since 04.02.2021. Looking to the above fact, I find that the Board as well as the appellate Court, both have committed error in not appreciating the social status report and above provision 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 30.3.2021 passed by Additional Sessions Judge (FTC), Raigarh (C.G.) in Criminal Appeal No. 35/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are to be of his natural guardian/ father/ 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 natural guardian/father/mother/brother. If the juvenile applicant is given to the custody of his brother, the concerned Juvenile Justice Board shall duly verify about the status of his brother.

Certified copy as per rules.

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