

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****CRIMINAL REVISION No. 350 of 2021**

1. Gopal Krishan @ Bittu Yadav S/o Sanjay Yadav aged about 17 Years
2. Deepak Dhruv S/o Vishnu Dhruv aged about 17 years by caste - Dhruv,

Both R/o near Shanti Colony Chowk, Mahant Ghasidas Ward
Dhamtari, Post Police Station, Tahsil and District Dhamtari, CG

Through Their Legal Guardian Father Sanjay Yadav and Vishnu
Dhruv, R/o near Shanti Colony Chowk, Mahant Ghasidas Ward
Dhamtari, Post Police Station, Tahsil and District Dhamtari CG

Applicants**VERSUS**

State of Chhattisgarh, through Station House Officer, P.S. City Kotwali
Dhamtari, District Dhamtari, CG.

Non-applicant

For Applicants : Shri Kunal Das, Adv.
For non-applicant/State : Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****8-7-2021**

1. Challenge in this revision petition is to the order dated 10-5-2021 passed by learned Additional Sessions Judge (FTC) Dhamtari, Distt. Dhamtari in CR.A. No. 21/2021 whereby the appeal preferred by the applicants-jvenile against the order passed by the Juvenile Justice Board, Dhamtari dated 5-5-2021 in Crime No. 116/2021 of PS City Kotwali, Dhamtari has been dismissed, wherein the applicants were denied bail.

2. Case of the prosecution, in brief, is that on 1-3-2021 at about 10.30 pm, the applicants committed theft of memory cards, pen drives, i-phone cable, mobile cover, power bank, ear phone, charger, 2 nos. old used keypad mobile, 1 no. old used android

mobile, total amounting to Rs. 20,000/- from the shop of complainant. On the basis of report lodged by the complainant, offence under Section 457 and 380 of the Indian Penal Code has been registered against them.

3. It is submitted by learned counsel for the applicants that the applicants are 17 years young boys, they are innocent and falsely implicated in this case. They have not committed any misconduct during custody in the Observation Home. They are first offenders. They have been implicated in the crime only on the basis of apprehension. Charge sheet has been filed. Nothing negative report has been shown in their social investigation report, in- spite of that, the Board as well as the appellate Court have refused them 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 applicants.

4. 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.

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. Learned appellate Court has mentioned in its order that it is mentioned in the Social Investigation report that they are first offenders. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicants 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 facts that the applicants are first offenders, they are in Observation Home since 2-3-2021 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 applicants. Therefore, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 10-5-2021 passed by learned Additional Sessions Judge, (FTC). Dhamtari, Distt. Dhamtari in CR.A. 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 by each of the applicants which is to be of their guardian/father, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants shall be given in custody of their guardian/father.

Certified copy as per rules.

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