

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No. 370 of 2021**

- Krish Kumar Yadav, son of Makunda Yadav, aged about 16 years, resident of Hatri Chowk, Juna Bilaspur, P.S. City Kotwali, District Bilaspur (C.G.) through legal natural guardian father namely Makunda Yadav, son of Shri Ganesh Yadav, aged about 46 years, resident of Hatri Chowk, Juna Bilaspur, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through: Station House Officer, Police Station City Kotwali, Distt. Bilaspur (C.G.)

---- Non-applicant

 For Applicant : Shri Ashok Dixit, Advocate.
 For Non-applicant/State : Shri Devesh Chand Verma, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.8.2021.**

1. Challenge in this revision petition is to the order dated 31.5.2021 passed by learned Additional Sessions Judge (FTC), Bilaspur in Criminal Appeal No. 68/2021 whereby the appeal preferred by the applicant/juvenile against the order dated 19.5.2021 passed by Juvenile Justice Board, Bilaspur in Criminal Case No. 94/2021 has been dismissed and the applicant/juvenile has been denied bail.

2. Learned counsel for the applicant/juvenile submits that the applicant/juvenile is an innocent boy and he has been falsely implicated in the crime in question as he has not participated in the crime in question. He further submits that the applicant is in Observation Home since 09.4.2021

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 applicant has earlier also involved in the criminal activities and one another case has also been filed against him and his active participation is there in this case also, therefore, the applicant is not entitled to be released on bail.

4. I have heard learned counsel for the parties and perused the material available on record including social status report of the applicant.

5. As per social status report, the applicant has studied till class X, this is first case registered against the applicant and his institutional conduct and behaviour is good. Although one another case is said to be filed against him as stated by learned State Counsel but nothing has been 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. Applicant/juvenile is in observation home since 09.4.2021. 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.

6. Consequently, the revision is allowed. The order dated 31.5.2021 passed by Additional Sessions Judge, FTC, Bilaspur in Criminal Appeal No.68/2021 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.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE

D/-