

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.373 of 2021**

- Bhagwat Prasad Sahu S/o Ram Prasad Aged About 16 Years Through Natural Guardian Of Ram Prasad Son Of Tihar Ram, Aged About 54 Years, Caste Sahu, Residence Of Village Somvari Bazar Deepka, Police Thana Deepka District Korba Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate Korba, District Korba Chhattisgarh, Police Station Deepka District Korba Chhattisgarh.

---- Respondent

 For Applicant : Shri Vikas Kumar Pandey, Advocate
 For respondent/State : Shri Devesh Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****25.8.2021.**

1. Challenge in this revision petition is to the order dated 03.6.2021 passed by the learned Child Court Katghora, Distt. Korba (C.G.) in Criminal Appeal No. 29/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Korba dated 27.5.2021 in connection with Crime No. 99/2021 registered at Police Station Dipka Distt. Korba (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 15.4.2021. 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. The victim/prosecutrix along with her father Mr. Dharmendra Rathore and their counsel Ms. Geeta Shrivastava appeared through Video conferencing from District Legal Services Authority, Korba. The victim/prosecutrix submits that bail should not be granted to the applicant/juvenile because she has been threatened to her life by mother of the applicant/ juvenile. On being asked, the victim/prosecutrix and her father submit that they have not lodged any report against mother of the applicant/juvenile in respect of her threatening.

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 and after passing Class-XI, he will be going to Class XII. According to the report, his habit and conduct is good. He has

committed this offence due to lack of monitoring of the family members and love affair between the applicant/juvenile and the victim/prosecutrix. In the event of granting bail to the applicant/juvenile, there is no chance of his contact with known criminals. 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 15.4.2021. 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 03.6.2021 passed by Child Court Katghora, Distt. Korba (C.G.) in Criminal Appeal No. 29/2021 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, 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