

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.377 of 2021**

- Domendra Dewangan S/o Suraj Dewangan Aged About 17 Years Through Natural Guardian Mother Smt. Gouri Dewangan W/o Suraj Dewangan Aged About 42 Years R/o Village Nandanikhudani, District Durg Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Nandani Nagar, District Durg Chhattisgarh

---- Respondent

 For Applicants : Shri Punit Ruparel, Advocate
 For respondent/State : Shri Devesh Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****16.8.2021.**

1. Challenge in this revision petition is to the order dated 26.5.2021 passed by Additional Sessions Judge, 4th Fast Track Court, Durg, Distt. Durg (CG) in Criminal Appeal No.111/2021 whereby the appeal preferred by the applicant/ juvenile against the order of the Juvenile Justice Board, Durg (CG) dated 03.5.2021 has been dismissed wherein applicant/juvenile was denied bail.

2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated by the police in this case. There is no criminal antecedent reported against the applicant and he is in Observation Home since 26.3.2021. Learned counsel for the applicant further submits that

more detention will affect his childish mentality. Nothing adverse has been mentioned against the applicant in the Social Investigation Report, despite that both the learned Courts below have rejected the bail application of the juvenile, which is erroneous and against the law. It is further prayed that this revision petition may be allowed and relief may be granted to the applicant.

3. 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.

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. Perusal of the Social Investigation Report shows that this is the first offence registered against the applicant. He is the student of Class-XII, his conduct and behaviour is simple. Nothing adverse has been mentioned in the said report which may be a ground for dismissal of the bail to the juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The applicant is in Observation Home since 26.3.2021. 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 investigation report and above

provision 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 26.5.2021 passed by the Additional Sessions Judge, 4th Fast Track Court, Durg Distt. Durg (CG) in Criminal Appeal No.111/2021 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 their natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE