

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.392 of 2021**

1. Gulshan Kumar Sahu S/o Shobha Ram Sahu Aged About 17 Years Resident Of Khamtarai, Police Station Arang, District Raipur (Chhattisgarh) Through Natural Guardian Father Shobha Ram Sahu, Son Of Late Shri Kanshi Ram Sahu, Aged About 38 Years, Resident Of Khamtarai, Police Station Arang, District Raipur Chhattisgarh.
2. Deepak Kumar Sahu S/o Toshnallal Sahu Aged About 17 Years Resident Of Khamtarai, Police Station Arang, District Raipur Chhattisgarh, Through Natural Guardian Father Toshnallal Sahu Son Of Human Lal Sahu, Aged About 42 Years, Resident Of Khamtarai, Police Station Arang, District Raipur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Arang, District Raipur Chhattisgarh.

---- Respondent

For Applicants : Shri Pushpendra Kumar Patel , Advocate
 For respondent/State : Shri Raghavendra Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****30.7.2021.**

1. Challenge in this revision petition is to the order dated 08.6.2021 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act/Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.87/2021 whereby the appeal preferred by the applicants/ juvenile against the order of the Juvenile Justice Board, Mana Camap, Raipur

(CG) dated 27.5.2021 has been dismissed wherein applicants/juvenile were denied bail.

2. It is submitted by learned counsel for the applicants/juvenile that the applicants/juvenile are innocent boys and they have been falsely implicated in the case as there was some dispute and marpeet among the family members of applicant Gulshan Kumar Sahu and the deceased. Both the Courts below have denied bail to the applicants/juvenile only considering the gravity of offence. Both the juvenile are in Observation Home since 19.11.2020 and there is no criminal antecedent reported against them. Therefore, impugned orders of both the Courts below are erroneous and not sustainable. It is prayed that the revision petition may be allowed and relief may be granted to the applicants.

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. As per the Social Investigation Report, there is no criminal antecedent reported against both the juvenile. It seems that both the applicants have been implicated in the offence because of

dispute and marpeet between the family members of applicant Gulshan and the deceased.

6. Perusal of the Social Investigation Report shows that there is nothing 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. Looking to the fact that the applicants are in Observation Home since 19.11.2020, 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 applicants/juvenile. Hence, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 08.6.2021 passed by the Special Judge under the Atrocities Act/ Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.87/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- each along with a bond of same amount which are to be of their natural guardian/father/mother, 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 natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE