

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.375 of 2021**

- Safik Ali @ Aabid Ali S/o Rafik Ali Aged About 17 Years Through Natural Guardian Father Rafik Ali S/o Mahroom Samsad Ali, Aged About 48 Years, R/o Urkura Road, Under Bridge, Irani Colony, Police Station Vidhansabha, Raipur District Raipur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Gole Bazar, Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate
 For respondent/State : Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****13.7.2021.**

1. Challenge in this revision petition is to the order dated 05.6.2021 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act/Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.85/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Mana Camp, Raipur (CG) dated 22.5.2021 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, and he has been falsely implicated in the case. Both the Courts below have

denied bail to the applicant/juvenile only considering the gravity of offence and assumption that releasing the applicant would again connect him in association with known criminals, but the courts below have not recorded any finding that how releasing of the applicant/juvenile would defeat the ends of justice. The juvenile is in Observation Home since 12.10.2020 and there is no criminal antecedent reported against him. He further submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are not sustainable, therefore, the 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. As per the social investigation report, the applicant/juvenile is a school dropper. There is no criminal antecedent reported against him. It seems that lack of monitoring of family members, incomplete school education and also lack of knowledge, the applicant/juvenile has committed the aforesaid offence. It has also been mentioned in the social investigation report that if the

juvenile/applicant is released on bail, he may come into contact with known criminals.

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. The Board as well as the appellate Court, both have committed error in not appreciating the social investigation report 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 05.6.2021 passed by the Special Judge, under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act/ Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.85/2021 is set aside. It is directed that on furnishing a surety of Rs.25,000/- 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