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HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No. 411 of 2021**

- Tushardas Manikpuri @ Bhuru, aged about 16 years, S/o Shital Manikpuri (Minor on behalf of guardian uncle Surajdas, aged about 30 years, S/o Naamdass Manikpuri), R/o Adarsh Nagar Kawardha, P.S. and Tahsil Kawardha, District Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through the District Magistrate, District Kabirdham (C.G.)

----Non-applicant

 For Petitioner : Mr. Lekhram Dhurve, Advocate.
 For Respondent/State : Mr. Devesh Chand Verma, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****09-08-2021**

(1) Challenge in this revision petition is to the order dated 08.02.2021 passed by Special Judge (POCSO) Act, Fast Track Court, Kabirdham (C.G.) in Criminal Appeal No.02/2021 whereby the appeal preferred by the applicant/juvenile against the order of Juvenile Justice Board, Kabirdham in Crime No. 701/2020, dated 23.12.2020 has been dismissed, whereby applicant/juvenile has been denied bail.

(2) Learned counsel for the applicant/juvenile would submit that the applicant/juvenile is an innocent boy of 16 years, who is studying in Class-Xth, he has been falsely implicated in this case. He would further submit that similarly situated co-accused namely Avinash @ Chintu Dhurve of the offence, who is another juvenile, has already been granted bail by this Court vide order dated 12.07.2021

passed in Criminal Revision No. 276 of 2021. 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 further submits that the applicant is in Observation Home since 8.12.2020 and staying there for more period will adversely affect his childish mentality. 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 though the applicant is juvenile but he has committed grievous offence along with another juvenile and, therefore, he has rightly been denied bail by the Board as well as appellate Court.

(4) I have heard learned counsel for the respective parties, perused the documents placed on record and also considered the submissions made by counsel for both the parties.

(5) Admittedly, the applicant is said to be 16 years of age. As per social status report, this is first case of crime registered against the applicant and there is no previous criminal antecedents against the applicant. Applicant is languishing in Observation Home since 8.12.2020 and similarly situated co-accused namely Avinash @ Chintu Dhurve of the offence, who is another juvenile, has already been granted bail by this Court vide order dated 12.07.2021 passed in Criminal Revision No. 276 of 2021. No any such specific circumstances 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. Thus, the

Juvenile Justice Board as well as Appellate Court, both have committed an 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.

(6) Consequently, the revision is allowed. The order dated 8.2.2021 passed by Special Judge (POCSO) Act, Fast Track Court, Kabirdham (C.G.) in Criminal Appeal No.02/2021 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/-

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Proceedings through Video Conferencing**Criminal Revision No. 411 of 2021**Tushardas Manikpuri @ Bhuru **Versus** State of Chhattisgarh.

09/08/2021	Mr. Lekhram Dhurv, counsel for the Petitioner. Mr. Devesh Chand Verma, Dy. Govt. Advocate for the State. Notice issued to victim/prosecutrix has been received with endorsement that notice has been served upon her but neither prosecutrix/victim appeared nor anyone appeared on her behalf through video conferencing. Detailed order passed separately. Sd/- (N.K. Chandravanshi) Judge
D/-	