

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRR No. 396 of 2021

Amit Dhritlahre S/o Late Shri Gaindlal Aged About 17 Years R/o Village Kurud, Police Station Mandir Hasaud, District Raipur Through Natural Guardian (Sister of the applicant) Smt. Manisha Ogare W/o Subham Ogare Aged About 27 Years, R/o Village Kurud, Police Station Mandir Hasaud, District Raipur CG

Applicant

Versus

State of Chhattisgarh, through Police Station Mandir Hasaud, District Raipur CG

Non-applicant

 For Applicant : Shri Mayank Chandrakar, Adv.
 For non-applicant/State : Shri Devesh Verma, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

3-9-2021

1. Challenge in this revision petition is to the order dated 5-6-2021 passed by learned Special Judge (Atrocities) and Addl. Sessions Judge, Raipur in CR.A. No. 84/2021 whereby the appeal preferred by the applicant-juvenile against the order passed by the Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur dated 17-5-2021 pertaining to Crime No. 51/2021 registered at Mandir Hasaud, for offence under Sections 365, 376(D), 394 of the Indian Penal Code, has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is young boys of 17 years, he is innocent and falsely implicated in this case. He further submits that applicant is in observation home since 3-2-2021, more detention will affect his childish mentality. There is no criminal antecedent of the juvenile. Nothing has been mentioned against him in the social investigation report. Despite that, by overlooking these facts and the provisions of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, both the courts below have denied bail to the applicant, which is erroneous and not sustainable. It is prayed that the revision petition may be allowed and bail may be granted to the applicant.

3. Learned State Counsel opposes the revision petition and submits that though as per social investigation report, there is no criminal antecedent of the applicant, but 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. A perusal of social investigation report shows that the juvenile is said to be in observation home since 3-2-2021, as per State counsel, there is no criminal antecedent of the juvenile. It has been mentioned in the social investigation report that there is no possibility of his coming into contact of known criminals. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant which may be a ground for denial of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Looking to the fact that applicant is in observation home from 3-2-2021, and other facts, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 5-6-2021 passed by learned Special Judge (Atrocities) and Addl. Sessions Judge, Raipur in CR.A. No. 84/2021 is set aside. It is directed that if applicant furnishes a surety of Rs. 20,000/- along with a bond of same amount which is to be of his natural guardian/mother/sister, 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/mother/sister.

Certified copy as per rules.

Sd/-

(NK Chandravanshi)
Judge