

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 401 of 2021**

Rajesh Yadav S/o Jagannath Yadav Aged About 17 Years Minor
 Represented Through Mother And Legal Guradian Smt. Gulapi Yadav
 Wife Of Jagannath Yadav, Aged About 36 Years, Resident Of Village
 Niche Para Ward No. 11, Dharamjaigarh, Tahsil Dharamjaigarh,
 District Raigarh Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through The Station House Officer , Police
 Station Lailunga , District Raigarh Chhattisgarh.
2. State Of Chhattisgarh Through The District Magistrate, Raigarh District
 Raigarh Chhattisgarh.

---- Respondents

For the Applicant	:	Shri Ashish Gupta, Advocate
For the State	:	Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**08/09/2021**

1. Challenge in this revision petition is to the order dated 17/06/2021
 passed by the learned Additional Sessions Judge Fast Track Court,
 Raigarh (C.G.) in Criminal Appeal No. 41/2021, whereby the appeal
 preferred by the applicant-juvenile against the order of Juvenile
 Justice Board, Raigarh dated 28/04/2021 passed in Criminal Case
 No. 22/2021, has been dismissed, whereby the applicant has been
 denied bail.
2. Learned counsel for the applicant submits that the applicant is
 innocent and has been falsely implicated in this case, he is in
 observation home since 21/10/2020, more detention will adversely

affect his childish mentality, nothing has been stated against him in the social investigation report, despite that both the Courts below have denied him to grant bail. The impugned order and order of the Board are erroneous and not sustainable, therefore, it is prayed that this revision petition may be allowed and relief may be granted to the applicant/juvenile.

3. Learned State counsel opposes the submissions submitting that it is a case of serious nature, therefore, both the Courts below have not committed any error in passing the impugned orders. Therefore, no interference in the impugned order is called for by this Court.
4. I have heard learned counsel for both the parties and perused the documents as well as case diary.
5. Applicant is said to be in observation home from 21/10/2020, he is a juvenile of 17 years. Perusal of social status report shows that nothing against him has been mentioned in it, which may be a ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Both the Courts below have committed error, in not considering the above facts and legal position. Hence, for aforesaid reason, I feel inclined to allow this revision petition.
6. Resultantly, the order dated 17/06/2021 passed by the learned Additional Sessions Judge, Fast Track Court, Raigarh (C.G.) in Criminal Appeal No. 41/2021 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 applicant's natural

guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant/juvenile shall be given in custody of his natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE

Kamde