

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 585 of 2020

- Pyush Baghel S/o Shri Shravan @ Bhola Baghel, Aged About 17 Years, R/o DKS Parisar, Police Station Golbazar Raipur, Chhattisgarh Civil And Revenue District Raipur, Chhattisgarh. Through Natural Guardian Father Shri Shravan @ Bhola Baghel., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through District Magistrate Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant – Shri Ajay Mishra, Advocate.

For State/Respondent – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-02-2021

1. Heard.
2. This revision petition has been filed against the order dated 12-06-2020 passed in an unregistered criminal appeal, between Piyush Baghel Vs. State of Chhattisgarh, by the Juvenile Court/ Additional Sessions Judge FTC, Raipur, Chhattisgarh dismissing the appeal filed by the applicant and upholding the order of bail rejection passed by the Juvenile Justice Board.
3. It is submitted by learned counsel for the applicant that the order of the Board and the appellate Court both are erroneous. There had been nothing against this applicant in the social status report submitted by the Probation Officer which was not at all appreciated by the Courts below. Hence, the applicant was entitled for grant of bail. The applicant is in detention in juvenile home since about more than one year. Therefore, it is prayed that the revision petition be allowed.
4. Learned counsel for the State/respondent opposes the submission and submits that there is charge of commission of offence of murder against this applicant. The social status report mentions that the applicant is addicted to some intoxicating substance. Therefore, the Board and the appellate Court

both have not committed any error in rejecting the prayer for bail.

5. Heard learned counsel for the parties and perused the case diary.

6. Gravity of any offence cannot be made a ground for rejection or grant of bail to a juvenile. The social status report submitted does not mention about any previous incident of this applicant neither the possibility of his being associated with any criminal element. On perusal of this report it is found that there is no circumstance made out which may be regarded as a ground for rejection of bail in accordance with the provision under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act. Therefore, I am of this view that the impugned order and the order of the Board suffer from infirmity, which needs interference.

7. Therefore, the revision petition is allowed. The impugned order of the appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs.25,000/- by natural guardian father of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian father.

Sd/-

(Rajendra Chandra Singh Samant)
Judge