

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.413 of 2021**

- Om Prakash Tiwari, S/o. Dilip Tiwari, Aged about 17 years, through his legal/natural guardian father Dilip Tiwari S/o. Dinesh Tiwari, aged about 40 years, R/o. Shivpara, Near Shiv mandir, Ward No.33 Durg, Police Station Mohan Nagar, Durg Tahsil & Distt. Durg (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Mohan Nagar Durg Distt. Durg (CG)

---- Respondent

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For Applicant : Shri Tarun Dansena, Advocate
 For respondent/State : Shri Raghavendra Verma, Govt. Advocate

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Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****16.7.2021.**

1. Challenge in this revision petition is to the order dated 27.01.2021 passed by Additional Sessions Judge, Second Fast Track Special Judge under the Protection of Children from Sexual Offences Act, 2012, Durg (CG) in Criminal Appeal No.20/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Durg (CG) dated 08.01.2020 in Crime No.406/2020 of Police Station Mohan Nagar (Durg) has been dismissed wherein applicant/juvenile was 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. The juvenile is in Observation Home since 19.12.2020 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. It is mentioned in the impugned order that as per the Social Investigation Report, granting bail to the applicant would again connect him in association with known criminals or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice. It was also observed by the probationary officer that the juvenile applicant was influenced by bad company. Perusal of the case diary and impugned orders show that there is no criminal antecedent reported against the juvenile applicant. There is nothing adverse in the impugned order 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 and above provision 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 27.01.2021 passed by the Additional Sessions Judge, Second Fast Track Special Judge under the Protection of Children from Sexual Offences Act, 2012, Durg (CG) in Criminal Appeal No.20/2021 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