

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.428 of 2021**

- Ku. Gitanjali Kanwar D/o Harbhajan Singh Kanwar Aged About 16 Years R/o Village Bhaisma, Police Station Urga, Tahsil And District Korba Chhattisgarh Minor Represented Through Next Friend Ganesh Singh Kanwar S/o Balbhadra Singh Kanwar, Aged About 45 Years, R/o Village Fateganj, Police Station And Tahsil Kartala District Korba Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Urga, District Korba Chhattisgarh

---- Respondent

 For Applicant : Shri Anil Tripathi, Advocate
 For respondent/State : Shri Dinesh Tiwari, Dy. Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****18.8.2021.**

1. Challenge in this revision petition is to the order dated 24.6.2021 passed by the learned Additional Sessions Judge (FTC), Korba, Distt. Korba (C.G.) in Criminal Appeal No. 30/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Korba dated 16.6.2021 in connection with Crime No. 102/2021 registered at Police Station Urga, Distt. Korba (C.G.) has been dismissed, whereby the applicant has been denied bail.

2. Learned counsel for the applicant submits that father and mother of the applicant/juvenile are in jail and her next friends are her मामा (maternal uncle) and नानी (maternal grandmother) . The

applicant is an innocent girl, she has been falsely implicated in this case on the basis of suspicion. She is in Observation Home since 21.4.2021. More detention will adversely affect her childish mentality, nothing against her has been mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed her application without properly appreciating the facts mentioned in the social status report. The impugned order passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

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. Perusal of certified copy of social status report submitted by counsel for the applicant shows that this is the first offence registered against the applicant/juvenile. The applicant is a student and after passing Class-XI in the academic session 2020-21 she will be going to Class XII. According to the report, her habit and conduct is good. The applicant involved in this mischief under the influence of her parents. No such circumstances have been mentioned, 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, she is in observation home since 21.4.2021. Looking to the above fact, I find that the Board as well as the appellate Court, both have committed error in not appreciating the social status 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 24.6.2021 passed by Additional Sessions Judge (FTC), Korba, Distt. Korba (C.G.) in Criminal Appeal No. 30/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are to be of her next friend, to the satisfaction of the concerned Juvenile Justice Board, for her appearance as and when directed, then the applicant shall be given in custody of her next friend.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE