

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.434 of 2021**

- Kuleshwar Panday @ Raja S/o Jeevanlal Panday Aged About 17 Years R/o Atal Chouk, Kailash Nagar, Birgaon, P.S. Urla, District- Raipur, Chhattisgarh Through His Father- Jeevanlal Panday S/o Jangilal Panday, Aged About 55 Years R/o Atal Chouk, Kailash Nagar, Birgaon, P.S. Urla, District- Raipur, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh Through P.S. Urla, District- Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri Rajesh Jain, Advocate
 For respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****28.7.2021.**

1. Challenge in this revision petition is to the order dated 11.01.2021 passed by Child Court/Additional Sessions Judge, FTC, Raipur (CG) in Criminal Appeal No.275/2020 whereby the appeal preferred by the applicant/ juvenile against the order of the Juvenile Justice Board, Mana Camap, Raipur (CG) dated 02.11.2020 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 25.10.2020 and there is no criminal antecedent reported against him. He further submits that another juvenile of this case Kuldeep Verma, has already been granted bail by this Court on 27.7.2021 in Criminal Revision No.435/2021. Therefore, impugned orders of both the Courts below are erroneous and not sustainable. It is prayed that 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. As per the Social Investigation Report, the juvenile applicant is a school dropper. There is no criminal antecedent reported against him. It seems that lack of monitoring of the family members, incomplete school education and also his association with bad elements, he committed the aforesaid offence.

6. Perusal of the Social Investigation Report shows that there is nothing in the said report which may be a ground for dismissal of the 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 the applicant is in Observation Home since 25.10.2020 and another juvenile of this case has already been granted bail by this Court and other facts, I find that 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.

7. Consequently, the revision is allowed. The order dated 11.01.2021 passed by the Child Court/Additional Sessions Judge, FTC, Raipur (CG) in Criminal Appeal No.275/2020 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 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