

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRR No. 435 of 2021

- Kuldeep Verma S/o Bhima Verma Aged About 16 Years R/o Kailash Nagar, Birgaon, P. S. Urla District Raipur Chhattigarh through his mother Radhika Bai W/o Jeevanlal Pandey Aged About 45 Years R/o Kailash Nagar, Birgaon, P. S. Urla District Raipur Chhattigarh **Applicant**

Versus

- State of Chhattisgarh through P. S. Urla District Raipur CG

Non-applicant

 For Applicant : Shri Rajesh Jain, Adv.
 For non-applicant/State : Shri Vasim Miyan, PL.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

27-7-2021

1. Challenge in this revision petition is to the order dated 15-4-2021 passed by learned Special Judge (Atrocities) and Addl. Sessions Judge, Raipur in CR.A. No. 70/2021 whereby the appeal preferred by the applicant-jvenile against the order passed by the Principal Judge, Juvenile Justice Board, Mana Camp, Raipur dated 2-11-2020 in Case No. 282/2020 (State of Chhattisgarh -v- Kuldeep Verma and two others) has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 16 years old boy, he is innocent and falsely implicated in this case. He has not committed any misconduct during custody in the Observation Home. He is in observation home since 25-10-2020. Nothing negative report has been shown in his social investigation report, in- spite of that, the Board as well as the appellate Court have refused him to grant bail. He also submits that another juvenile of this case Manoj Thakur has been granted bail by co-ordinate bench of this Court vide order dated 14-1-2021 passed in Cr.R. No. 755/2020. Therefore, the impugned orders of both the Courts below are erroneous and not sustainable. It is prayed that the revision petition may be allowed and bail may be granted to the applicant.

3. Learned State Counsel opposes the revision petition and submits that earlier two more offences have been registered against him and 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. Learned appellate Court has mentioned in its order that it is mentioned in the social status report of the applicant that it is 3rd offence of the applicant, and if he is released, there is possibility that he may come to the contact of known offenders. Except the possibility, learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant which may be a ground for denial of 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 applicant is in observation home from 25-10-2020 as stated by learned counsel for the applicant, another juvenile of this case has already been granted bail, and other facts, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 15-4-2021 passed by learned Special Judge (Atrocities) and Addl. Sessions Judge, Raipur in CR.A. No. 70/2021 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 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/-

(NK Chandravanshi)
Judge