

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No. 451 of 2021**

- Vinod Yadav, son of Tulsi Prasad Yadav, aged about 17 years, resident of Village–Virendranagar, Police Chowki-Dindo, Police Station-Trikunda, District – Balrampur-Ramanujganj (C.G.) minor, represented through legal guardian father Tulsi Yadav son of Nanhu Yadav, aged about 60 years, resident of Village-Virendranagar, Police Chowki-Dindo, Police Station – Trikunda, District -Balrampur-Ramanujganj (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh through the District Magistrate, District-Balrampur-Ramanujganj (C.G.)

----Non-applicant

 For Applicant : Mr. Rahul Mishra, Advocate.
 For Non-applicant/State : Mr. Vaibhav K. Agrawal, Panel Lawyer

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****02-9-2021**

(1) Challenge in this revision petition is to the order dated 27.03.2021 passed by Upper Sessions Judge/Fast Track Special Court (Pocso Act), Ramanujganj, District Balrampur in Criminal Appeal No. 01/2021, whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board, Balrampur, Ramanujganj dated 11.02.2021 in Crime No. 06/2021 has been dismissed, whereby applicant/juvenile has been denied bail.

(2) Counsel for the applicant/juvenile would submit that the applicant/juvenile is innocent boy and he has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in Observation Home since 01.02.2021 and staying there for more period will adversely affect his

childish mentality. There is nothing against him in the social status report, on the basis of which, he may be denied bail in view of proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are unsustainable in the eye of law, therefore, the revision petition may be allowed and requested relief may be granted to the applicant / juvenile.

(3) On the contrary, learned counsel for the State while opposing the revision petition would submit that it is a case of rape with five years old girl. As per impugned order, the applicant/juvenile has earlier committed the same act with the victim/prosecutrix, therefore, looking the seriousness of the crime, learned courts below have not committed any error in rejecting the prayer for grant of bail to the applicant/juvenile.

(4) Father of the Victim/prosecutrix was appeared on 27.8.2021 through Video Conferencing from District Legal Service Authority, Balrampur-Ramanujganj. He opposed the bail application and prayed that revision petition may be dismissed and bail must not be granted to the applicant/juvenile.

(5) Considered on the submissions made by learned counsel for the parties and also gone through the submission made by Father of the Victim/prosecutrix.

(6) As per case diary, applicant is in observation home since 01.02.2021. It has been mentioned in the social status report that if the applicant is granted bail then there is no chance of his contact with known criminals or expose him to moral, physical or psychological danger or his release would defeat the ends of justice. No any such specific circumstances mentioned in social status report, which may be a ground for denial of bail to the applicant/juvenile as per proviso to Section 12(1) of Juvenile Justice (Care and Protection of Children) Act, 2015. Thus, the Juvenile Justice Board

as well as Appellate Court, both have committed an error in not appreciating the social status report properly and rejecting the bail of the applicant/Juvenile. Hence, I am inclined to allow this revision petition.

(7) Consequently, the revision is allowed. The order dated 27.03.2021 passed by Upper Sessions Judge/Fast Track Special Court (Pocso Act), Ramanujganj, District Balrampur in Criminal Appeal No. 01/2021 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/-

(N.K. Chandravanshi)
Judge

