

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**Proceedings through Video Conferencing**

**CR.R. No. 437 of 2021**

- Minor Angad Gumber (Delinquent Juvenile) (wrongly mentioned as Angat) S/o Surendra Singh Gumber, aged about 16 Years R/o Ward No. 08, Punjabi Para, Raipur Road, Bemetara, Tehsil Bemetara, District Bemetara, CG. ( Wrongly Typed P.S. Tehsil and district as Raipur in impugned order).

through father and natural guardian Surendra Singh Gumber  
 S/o Attar Singh Gumber, Aged About 51 Years, R/o Ward No. 08, Punjabi Para Raipur Road, Bemetara Tehsil Bemetara District Bemetara Chhattisgarh., District : Bemetara, CG

**Applicant****Versus**

State of Chhattisgarh, through Police Station Bemetara District Bemetara CG

**Non-applicant**

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 For applicant : Ms. Sharmila Singhai, Adv.  
 For non-applicant/State : Mr. V.K. Agrawal, Panel Lawyer.  
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**Hon'ble Shri Justice N.K. Chandravanshi**

**Order on Board**

**9-8-2021**

1. Challenge in this revision petition is to the order dated 7-7-2021 passed by learned 1st Addl. Sessions Judge (FTC), Distt. Bemetara in CR.A. No. 19/2021 whereby the appeal preferred by the applicant-juvenile against the order passed by the Juvenile Justice Board, Bemetara, Distt. Bemetara dated 17-6-2021 pertaining to Crime No. 637/2020 registered at PS Bemetara for offence under Section 305/34 of the Indian Penal Code 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' young 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 10-6-2021. He is first offender. The major accused in the case has been granted bail by the coordinate bench of this Court by order dated 27-7-2021 passed in MCRC No. 2869/2021. 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. 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 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 social investigation report, it is first offence of the juvenile. He is a student. 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 10-6-2021 as stated by learned counsel for the applicant, 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 7-7-2021 passed by learned 1st Addl. Sessions Judge (FTC), Bemetara in CR.A. No. 19/2021 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.

7. Certified copy as per rules.

**Sd/-**

**(NK Chandravanshi)  
Judge**