

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CR.R. No.438/2021

Sujal Singh, S/o Satpal Singh, aged about 16 years, R/o Maudahapara, Raipur, through natural guardian father Satpal Singh, aged about 49 years, S/o Swarn Singh, R/o Mangdapara, in front of Amar Plastic, Gurunanak Chauk, Thana Maudahapara, District Raipur (CG).

Applicant

VERSUS

State of Chhattisgarh, through Thana Maudahapara, District Raipur (CG).

Non-applicant

 For Applicant : Shri Arvind Prasad, Advocate
 For Respondent/State : Shri Vaibhav Kartikya Agrawal, P.L.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

08-09-2021

1. This revision petition has been filed by the applicant juvenile against the order dated 03.07.2021 passed by Special Judge (Atrocities) and Additional Sessions Judge, Raipur in Criminal Appeal No.95/2021, whereby the appeal preferred by the applicant juvenile against the order of the Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur (CG) dated 24.06.2021 pertaining to Crime No.75/2021 registered at Police Station Maudahapara, Raipur has been dismissed, wherein the applicant was denied bail.

2. It is submitted by the learned counsel for the applicant juvenile that the applicant juvenile is innocent boy and he has been falsely implicated in this case due to animosity. He further submits that the applicant juvenile is in the Observation Home since 12.06.2021. He has no criminal antecedent. More period of the

detention will affect his childish mentality. Nothing has been mentioned against him in his social investigation report. Despite that, both the Courts below have denied him for grant of bail. Therefore, impugned order and the order of the Board are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the relief may be granted to the applicant juvenile.

3. Notice issued to the victim/prosecutrix has been served upon her father, but neither she nor her guardian appeared nor she represented by any authorized person.

4. Per contra, learned State Counsel opposes the submissions mentioning that looking to the seriousness of the offence in which rape has been committed with a minor girl, both the Courts below have not committed any error while rejecting the prayer of the applicant for grant of bail. Therefore, impugned order does not call for any interference by this Court.

5. I have heard learned counsel for both the parties and perused the documents available on record as well as case diary.

6. Considered the submissions made by the learned counsel for both the parties.

7. The applicant juvenile is said to be in the Observation Home since 12.06.2021. As per his social investigation report, this is the first offence registered against him. More period of the detention may affect his childish mentality. Nothing has been mentioned against him in his social investigation report, which may be a ground for dismissal of the bail application of a juvenile under

proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as the appellate Court both have committed error in rejecting the bail application of the applicant juvenile.

8. Looking to the above facts and circumstances of the case, I am inclined to allow this revision petition.

9. Consequently, the revision is allowed. The order dated 03.07.2021 passed by Special Judge (Atrocities) and Additional Sessions Judge, Raipur (CG) in Criminal Appeal No.95/2021 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 mother/father, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant juvenile shall be given in custody of his natural guardian mother/father.

10. Certified copy as per rules.

**Sd/-
(N.K. Chandravanshi)
JUDGE**

L/-