

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 432/2021

Sameer Kosle, son of Manoj Kosle, aged about 15 years, through natural guardian of his mother Aman Kosle, wife of Manoj Kosle, aged about 38 years, residence of mini Basti Jarhabhatha, Police Station Civil Line, District Bilaspur (CG).

Applicant

VERSUS

State of Chhattisgarh, through Police Station Civil Line, District Bilaspur (CG).

Non-applicant

 For Applicant : Shri Vikas Pandey, Advocate
 For Respondent/State : Shri Dinesh Tiwari, Dy.G.A.

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

27-7-2021

1. Challenge in this revision petition is to the order dated 02.07.2021 passed by learned Upper Sessions Judge (FTC), Bilaspur, District Bilaspur (CG) in Criminal Appeal No.81/2021 whereby the appeal preferred by the applicant-jvenile against the order of the Juvenile Justice Board, Bilaspur, District Bilaspur (CG) dated 24.06.2021 has been dismissed, wherein the applicant was denied bail.

2. It is submitted by the learned counsel for the applicant that the applicant-jvenile is innocent boy, who is aged about 15 years and he has been falsely implicated in this case. In counter case, he has been implicated. He is in the custody since 24.04.2021. More period of the detention will affect on his childish mentality. Nothing has been mentioned against him in his social investigation report, despite that learned Courts below have denied him to grant bail.

Therefore, it is prayed that this revision petition may be allowed and the relief may be granted to the applicant-jvenile.

3. On the other hand, learned State Counsel opposes the submissions made by the learned counsel for the applicant and submits that as per social investigation report this is the second case registered against the applicant-jvenile. If, he is released on bail then there is possibility that he may again involve in such activity. Therefore, no interference is called for in the impugned order.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made herein by learned counsel for both the parties with utmost circumspection.

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

6. Although in social investigation report, it is mentioned that this is the second case against the applicant-jvenile, but it has also been mentioned that his behaviour with his neighbours is good, his institutional behaviour and discipline is also good. He is a student. According to the impugned order, co-accused has been granted bail by the learned Court below. The applicant is in the custody since 24.04.2021. More period of the detention may affect on his childish mentality. No any special circumstance has been mentioned in the social investigation report of the applicant-jvenile, which may be a ground for dismissal of the bail application of the applicant-jvenile

under proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015.

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

8. Consequently, the revision is allowed. The order dated 02.07.2021 passed by learned Upper Sessions Judge (FTC), Bilaspur, District Bilaspur (CG) in Criminal Appeal No.81/2021 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.

9. Certified copy as per rules.

SD/-
(N.K. Chandravanshi)
JUDGE

L/-