

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CR.R. No. 442 of 2021

Vyanketesh Manhar @ Raja Manhar S/o Indrajeet Manhar, aged about 17 years R/o Mini Basti Jarhabhatha, Police Station Civil Lines, Bilaspur, District Bilaspur (C.G.)

Through his legal guardian father Indrajeet Manhar S/o Jaganath Manhar, aged about 52 Years, R/o Mini Basti Jarhabhatha, Police Station Civil Lines, District - Bilaspur CG

Applicant

Versus

State of Chhattisgarh, through - Station House Officer, Police Station - Civil Lines, District - Bilaspur CG

Non-applicant

 For Applicant : Shri Jitendra Shukla, Adv.
 For non-applicant/State : Shri Devesh Verma, Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

6-8-2021

1. Challenge in this revision petition is to the order dated 21-6-2021 passed by learned Addl. Sessions Judge (FTC), Bilaspur (CG) in CR.A. No. 76/2021 whereby the appeal preferred by the applicant-juvenile against the order passed by the Juvenile Justice Board, Bilaspur dated 16-6-2021 in Crime No. 505/2021 (State of Chhattisgarh -v- Vyanketesh Manhar alias Raja Manhar) of PS Civil Lines, Bilaspur, has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 17 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 17-5-2021. 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. He also submits that though earlier two other cases have been registered against the applicant, but in those cases, the applicant was falsely implicated due to previous enmity. 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. In the social status report of the applicant, it has been mentioned that it is 3rd offence of the applicant. There is positive approach of the neighbours of the applicant towards him and he is disciplined boy. 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 17-5-2021, 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 21-6-2021 passed by learned Addl. Sessions Judge (FTC), Bilaspur (CG) in CR.A. No. 76/2021 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**