

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRR No. 448 of 2021

1. Trayank @ Raja Yadav S/o Shri Praveen Yadav Aged About 17 Years Through Natural Guardian Mother , Smt. Geeta Yadav W/o Shri Praveen Yadav Aged About 40
2. Nageshwar @ Rahul Yadav S/o Shri Surendra Yadav Aged About 17 Years Through Natural Guardian Father Surendra Yadav S/o Shri Tilakram Yadav , Aged About 42 Years
3. Thakendra @ Bablu Yadav S/o Shri Surendra Yadav Aged About 16 Years Through Natural Guardian Father Surendra Yadav S/o Shri Tilakram Yadav , Aged About 42 Years
4. Shekhar @ Motu Daharia S/o Sukhnandan Daharia Aged About 17 Years Through Natural Guardian Father Sukhnandan Daharia S/o Shri Sudhram Daharia , Aged About 48 Years
5. Mahesh Yadav S/o Lekhram Yadav Aged About 16 Years Through Natural Guardian Mother Smt. Syambati Yadav W/o Shri Lekhram Yadav , Aged About 40 Years,
R/o Village Dharsiva, Police Station Dharsiva District Raipur CG

Applicants

Versus

State of Chhattisgarh, Through District Magistrate Bemetara
District Bemetara CG

Non-applicant

 For Applicants : Shri Dheerendra Pandey, Adv.
 For non-applicant/State : Shri D.K. Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

9-8-2021

1. Challenge in this revision petition is to the order dated 13-7-2021 passed by learned 1st Addl. Sessions Judge (FTC), Distt. Bemetara in CR.A. No. 23/2021 whereby the appeal preferred by the applicants-juveniles against the order passed by the Juvenile Justice Board, Bemetara, Distt. Bemetara dated 1-7-2021 pertaining to Crime No. 152/2021 registered at Choki Kandarka, PS Berla for offence under Sections 307, 341, 120-B, 398/34 of the Indian Penal Code and Sections 25 and 27 of the Arms Act, has been dismissed, wherein the applicants were denied bail.

2. It is submitted by learned counsel for the applicants that the applicants are young boys of 16 – 17 year, they are innocent and falsely implicated in this case. They have not committed any misconduct during custody in the Observation Home. They are in observation home since 1-5-2021. More detention will affect their childish mentality. Nothing negative report has been shown in their social investigation reports, in- spite of that, the Board as well as the appellate Court have refused them 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 applicants.

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, except one juvenile, who is 3rd time in conflict with law, rest are first time in conflict with law. It is mentioned in the social investigation report that the juveniles are students and if they are released on bail, there is no chance of their coming into contact of known criminals. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicants 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 applicants are in observation home from 1-5-2021 as stated by learned counsel for the applicants, and other facts, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicants. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 13-7-2021 passed by learned 1st Addl. Sessions Judge (FTC), Bemetara in CR.A. No. 23/2021 is set aside. It is directed that if each of the applicants furnishes 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 their appearance as and when directed, then the applicants shall be given in custody of their natural guardian/father/ mother.

Certified copy as per rules.

Sd/-

(NK Chandravanshi)
Judge

Pathak/-