

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No.470 of 2021**

- Juvenile In Conflict With Law Through Natural Guardian Father Shri Milan Das S/o Bhakla Das Aged About 46 Years R/o Village Singarpur, Police Station Bhatapara Gramin, District Baloda Bazar-Bhatapara (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Simga, District- Baloda Bazar-Bhatapara (Chhattisgarh)

---- Respondent

 For Applicant : Shri Anil Gulati, Advocate
 For respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****17.8.2021.**

1. Challenge in this revision petitions is to the order dated 01.7.2021 passed by the learned Additional Sessions Judge, Fast Track Court under the Protection of Children from Sexual Offences Act, 2012, Balodabazar (C.G.) in Criminal Appeal No. 27/21, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Balodabazar dated 09.06.2021 in connection with Crime No. 224/2021 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) has been dismissed, whereby the applicant has been denied bail.
2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated in

this case. He is in Observation Home since 05.6.2021. More detention will adversely affect his childish mentality, nothing against him has been mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed his application without properly appreciating the facts mentioned in the social status report. The impugned order passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

3. Learned counsel for the State 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. Perusal of social status report of the applicant/juvenile shows this is the first offence registered against him, he had studied upto Class 5th, his habit and conduct is good. The applicant involved in this mischief under the influence of association of bad elements. No such circumstances have been mentioned, which may be a ground for dismissal of bail to a juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, he is in observation home since 05.06.2021. Looking to the above fact, I find that the

Board as well as the appellate Court, both have committed error in not appreciating the social status report and above provision properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 01.7.2021 passed by Additional Sessions Judge Fast Track Court (POCSO Act), Balodabazar (C.G.) in Criminal Appeal No. 27/21 (CG) is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are 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 their natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE