

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through Video Conferencing****CRR No. 472 of 2021**

Juvenile In Conflict With Law Through Natural Guardian Father Shri Pardeshi Dhruv S/o Daduram Aged About 49 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

ALONG WITH**CRR No. 473 of 2021**

Juvenile In Conflict With Law Through Natural Guardian Father Shri Milau Das Manikpuri S/o Bhakla Manikpuri 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 the Applicants	:	Shri Anil Gulati, Advocate
For the State	:	Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board

16/08/2021

1. As both the above Criminal Revisions arise out of same crime number, both are being heard and disposed of by a common order.

2. Challenge in these revision petitions is to the order dated 01/07/2021 passed by the learned Additional Sessions Judge Fast Track Court (POCSO Act), Balodabazar (C.G.) in Criminal Appeal Nos. 29/2021 and 28/2021 respectively, whereby the appeal preferred by the applicants-jvenile 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.) have been dismissed, whereby the applicants have been denied bail.
3. It is submitted by the learned counsel for the applicants that they have been falsely implicated in this case, they are innocent, they have not committed any mischief in observation home, both the juvenile are in observation home since 05/06/2021, more detention will adversely affect their childish mentality, nothing against them has been mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed their applications without properly appreciating the facts mentioned in the social status report. The impugned orders passed by both the Courts are erroneous and not sustainable. It is prayed that these revision petitions may be allowed and the bail may be granted to the applicants/jvenile.
4. Learned State counsel opposes the petition submitting that many cases have been registered against the applicants, therefore, both the Courts below have not committed any error in passing the impugned orders, therefore, impugned orders are not called for any interference of this Court.

5. I have heard learned counsel for both the parties and perused the documents available on record.
6. Perusal of social status report of both the applicants/juvenile shows that both are village boys and have studied upto Class 8th, their habit and conduct is good, they 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, they are in observation home since 05/06/2021. Looking to the above facts situation, I feel to allow these revision petitions.
7. Consequently, the orders dated 01/07/2021 passed by the learned Additional Sessions Judge Fast Track Court (POCSO Act), Balodabazar (C.G.) in Criminal Appeal Nos. 29/2021 and 28/2021 respectively are set-aside. It is directed that on furnishing a surety of Rs.25,000/- each along with a bond of same amount, which is to be of applicants natural guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed, then the applicants/juvenile shall be given in custody of their natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE