

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRR No. 462 of 2021

Juvenil 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 CG

---- Applicant

-Versus-

State of Chhattisgarh through - Station House Officer, Police of
 Police Station Simga, District- Baloda Bazar-Bhatapara, CG

---Non-applicant

CRR No. 463 of 2021

Juvenile In Conflict With Law, Through Natural Guardian Father
 Milau Das Manikpuri S/o Bhakla Manikpuri Aged About 46
 Years R/o Village Singarpur , Police Station Bhatapara Gramin,
 District Baloda Bazar Bhatapara CG

---- Applicant

-Versus-

State of Chhattisgarh through - Station House Officer, Police of
 Police Station Simga, District- Baloda Bazar-Bhatapara, CG

---Non-applicant

CRR No. 475 of 2021

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

-Versus-

State of Chhattisgarh through - Station House Officer, Police of
 Police Station Simga, District- Baloda Bazar-Bhatapara, CG

---Non-applicant

For Applicants	: Shri Anil Gulati, Adv.
For non-applicants	
(CRR No. 462/2021 & CRR No. 463/2021	: Shri Afroz Khan, PL.
For non-applicant (CRR No. 475/2021)	: Shri Dinesh Tiwari, Dy. Govt. Adv.

Hon'ble Shri Justice N.K. Chandravanshi

Order on Board

16-8-2021

1. Since all the above three criminal revisions arise out of same crime number of same police station, they are being disposed of by this common order.

2. Challenge in these revision petitions is to the order dated 29-6-2021 passed by learned Addl. Sessions Judge, FTSC (POCSO Act), Baloda Bazar in CR.A. No. 21/2021 (Ritik Manikpuri alias Kevaldas -v- State of CG), Cr. A. No. 22/2021 (Roshandas -v- State of CG) and Cr.A. No. 23/2021 (Vijay Dhruv -v- State of CG) whereby the appeals preferred by the applicants-juveniles against the order passed by the Chairman/Principal Magistrate, Juvenile Justice Board, Baloda Bazar, dated 9-6-2021 pertaining to Crime No. 221/2021 (State of CG -v- Roshandas Manikpuri and ors) registered at PS Simga, Distt. Baloda Bazar for offence under Sections 457, 380, 34 of the Indian Penal Code (in short 'I.P.C.') have been dismissed, wherein the applicants were denied bail.

3. It is submitted by learned counsel for the applicants that the applicants are young boys of 16 – 17 years, 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 5-6-2021. 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 petitions may be allowed and bail may be granted to the applicants.

4. Learned State Counsel oppose the revision petitions and submit that both the Courts below have not committed any error in passing the impugned orders, thus, the revisions may be rejected.

5. 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.

6. As per social investigation report, behavior of the juveniles is good. They have been implicated in the crime in the influence of young age frenzy and they appear to be innocent. 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 5-6-2021 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 these revision petitions.

7. Consequently, the revisions are allowed. The orders dated 29-6-2021 passed by learned Addl. Sessions Judge, FTSC (POCSO), Baloda Bazar in CR.A. No. 21/2021 (Ritik Manikpuri alias Kevaldas -v- State of CG), Cr. A. No. 22/2021 (Roshandas -v- State of CG) and Cr.A. No. 23/2021 (Vijay Dhruv -v- State of CG) are 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**