

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceedings through Video Conferencing****Criminal Revision No. 474 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, District Baloda Bazar – Bhatapara (C.G.)

---- Applicant**Versus**

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

---- Non-applicant

 For Applicant : Shri Anil Gulati, Advocate
 For Non-applicant/State : Shri Devesh Chand Verma, Govt. Advocate.

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****16.8.2021.**

1. Challenge in this revision petition is to the order dated 30.6.2021 passed by learned Additional Sessions Judge, FTC (Pocso Act), Baloda Bazar (C.G.) in Criminal Appeal No. 24/2021 whereby the appeal preferred by the applicant/juvenile against the order dated 09.6.2021 passed by Juvenile Justice Board, Baloda Bazar in Criminal Case No. 226/2021 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, who has studied in Class-V, he has been falsely implicated in the crime in question. He further submits that the applicant is in Observation Home since 05.06.2021 and staying there for

more period will adversely affect his childish mentality. There is nothing against him in the social status report, on the basis of which, he may be denied bail in view of proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. He also submits that the impugned order and the order of Juvenile Justice Board are erroneous, which are unsustainable in the eye of law, therefore, the revision petition may be allowed and requested relief may be granted to the applicant / juvenile.

3. On the contrary, learned counsel for the State while opposing the revision petition would submit that both the courts below have not committed any error in passing the impugned order, which does not call for any interference by this Court.

4. I have heard learned counsel for the parties and perused the material available on record including social status report of the applicant.

5. Perusal of the social status report shows that the applicant/juvenile is a rustic villager and has studied in class V. His habits & conduct are good but he has involved in the crime in question under the influence of greed given by adult accused of this case. No any such specific circumstances mentioned in social status report, which may be a ground for denial of bail to the applicant/juvenile as per proviso to Section 12(1) of Juvenile Justice (Care and Protection of Children) Act, 2015. Applicant/juvenile is in observation home since 5.6.2021. Thus, the Juvenile Justice Board as well as Appellate Court, both have committed an error in not appreciating the social status report 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 30.6.2021 passed by Additional Sessions Judge, FTC (POCSO Act), Baloda Bazar in Criminal Appeal No.24/2021 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/-
(N.K. Chandravanshi)
JUDGE

D/-