

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Proceeding through Video Conferencing****CRR No. 465 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, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Simga, District Baloda Bazar Bhatapara, Chhattisgarh..

---- Respondent

For the Applicant	:	Shri Anil Gulati, Advocate
For the State	:	Shri Afroz Khan, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi

Order On Board**24/08/2021**

1. Challenge in this revision petition is to the order dated 30/06/2021 passed by the learned Additional Sessions Judge Fast Track Court (POCSO Act), Balodabazar (C.G.) in Criminal Appeal No. 26/2021, whereby the appeal preferred by the applicant-juvenile against the order of Chairman/Principal Magistrate, Juvenile Justice Board, Balodabazar dated 09/06/2021 in connection with Crime No. 226/2021 registered at Police Station Simga, District Balodabazar-Bhatapara (C.G.) has been dismissed, whereby the applicant has been denied bail.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case,

he is in observation home since 05/06/2021, more detention will adversely affect his childish mentality, nothing has been stated against him in the social investigation report, despite that both the Courts below have denied him to grant bail. The impugned order and order of the Board are erroneous and not sustainable, therefore, it is prayed that this revision petition may be allowed and relief may be granted to the applicant/juvenile.

3. Learned State counsel opposes the petition submitting that Board as well as appellate Court, have not committed any error in passing the impugned order, therefore, order impugned does not called for any interference of this Court.
4. I have heard learned counsel for both the parties and perused the documents placed on record.
5. Considered the submissions made by both the counsel. As per social investigation report of applicant-juvenile, he is a village boy, studied upto the Class-8th, his conduct and behaviour is good, he has been involved in this case due to greed given by the adult accused. Social investigation report does not mention about any of the circumstances 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 said to be in observation home since 05/06/2021. Looking to the above facts and provisions, I feel inclined to allow this revision petition.
6. Consequently, the order dated 30/06/2021 passed by the learned Additional Sessions Judge Fast Track Court (POCSO Act),

Balodabazar (C.G.) in Criminal Appeal No. 26/2021 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 applicant's natural guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the applicant/juvenile shall be given in custody of his natural guardian/father/mother.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE