

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Proceedings through Video Conferencing

CRR No. 496 of 2021

Rajdas Manikpuri S/o Pritam Das Manikpuri Aged About 17 Years Minor Through Natural Guardian Father Namely Pritam Das Manikpuri S/o Bisahu Das Aged About 50 Years R/o Ward No. 16, Gondpara Kotmisonar, Police Station Akaltara, District Janjgir Champa Chhattisgarh. -----**Applicant**

Versus

State of Chhattisgarh, through the District Magistrate, District Janjgir Champa CG and also through the Police of Police Station Akaltara, District Janjgir Champa CG

--Non-applicant

 For Applicant : Smt. Mandavi Bharadwaj, Adv.
 For non-applicant/State : Shri Praveen Shrivastava, PL.

Hon'ble Shri Justice N.K. Chandravanshi
Order on Board

31-8-2021

1. Challenge in this revision petition is to the order dated 26-6-2021 passed by learned Special Judge (Protection of Children from Sexual Offences Act, 2012), Janjgir (CG) in CR.A. No. 32/2021 whereby the appeal preferred by the applicant-juvenil against the order dated 31-3-2021 passed by the Principal Judge, Juvenile Justice Board, Janjgir Champa (CG) pertaining to Crime No. 339/2020 registered at PS Akaltara for offence under Section 302 of the Indian Penal Code, has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is young boy of 17 years, he is innocent and falsely implicated in this case. He further submits that applicant is in observation home since 10-12-2020, charge sheet has been filed, more detention will affect his childish mentality. Despite that, by overlooking these facts and the provisions of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, both the courts below have denied bail to the applicant, which is erroneous and not sustainable. It is prayed that the revision petition may be allowed and bail may be granted to the applicant.

3. Learned State Counsel 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. A perusal of social investigation report shows that it is first time the juvenile is in conflict with law, he is suffering from leprosy, he is a regular student of class 10th. Learned appellate Court has not mentioned anything in its order regarding the social investigation report of the applicant 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 applicant is in observation home since 10-12-2020, as stated by learned counsel for the applicant, and other facts, I find that the Board as also the appellate Court have committed error in rejecting bail to the applicant. Therefore, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 26-6-2021 passed by learned Special Judge (Protection of Children from Sexual Offences Act, 2012), Janjgir in CR.A. No. 32/2021 is set aside. It is directed that if applicant 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 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/-
(NK Chandravanshi)
Judge**