

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.554 of 2021**

- Gaurav Khandekar S/o Rajesh Khandekar Aged About 17 Years Through Natural Guardian Of Rajesh Khandekar Son Of Malikram, Aged About 41 Years, Residence Of Mini Basti, Jarhabhatha, Thana Civil Line Bilaspur, District- Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through, Police Station- Civil Line, District- Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri Vikas Kumar Pandey, Advocate
 For Respondent/State : Shri Devesh Verma, Govt. Advocate

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****04.10.2021**

1. Challenge in this revision petition is to the order dated 14.7.2021 passed by the Additional Sessions Judge (FTC), Bilaspur (CG) in Criminal Appeal No. 86/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Bilaspur dated 07.7.2021 in connection with Crime No. 505/2021 registered at Police Station Civil Line, Bilaspur (C.G.) has been dismissed, whereby the applicant has been denied bail.

2. Learned counsel for the applicant submits that the applicant is an innocent boy, he has been falsely implicated in this case due to enmity. He is in Observation Home since 26.6.2021. More detention of the juvenile applicant will adversely

affect his childish mentality, nothing against him has been mentioned in the social status report, despite that the Board as well as Appellate Court have dismissed his application without properly appreciating the facts mentioned in the social status report. The impugned orders passed by both the Courts below are erroneous and not sustainable. It is prayed that this revision petition may be allowed and the bail may be granted to the applicant/juvenile.

3. On the other hand, while opposing the bail application, the learned counsel for the State submits that the applicant is a juvenile offender and earlier three cases have been registered against him. He further 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. Perusal of the social status report shows that earlier three cases have been registered against the applicant, but during the course of argument, learned counsel for the applicant informs that those cases are simple in nature. It has also been mentioned in the social status report that institutional behaviour of the applicant is good and disciplined. As per the report, opinion of the neighbouring people towards the applicant is positive. 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, he is in observation home since 26.6.2021. Looking to the above fact, I find that the Board as well as the appellate Court, both have committed error in not appreciating the social status report and above provision 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 14.7.2021 passed by Additional Sessions Judge (FTC), Bilaspur (C.G.) in Criminal Appeal No. 86/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which are 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