

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 526 of 2021**

Juned Husain S/o Javed Husain aged about 17 Years through
Natural Guardian His Mother Smt. Yashmin Khanam, W/o Altaf
Husain aged about 43 Years R/o Hatri Chowk Juna Bilaspur
Police Station City Kotwali Bilaspur District Bilaspur CG

Applicant**Versus**

State of Chhattisgarh through Through Station House Officer,
Police Station City Kotwali Bilaspur District Bilaspur CG

Non-applicant

For Applicant : Shri U.K.S. Chandel, Adv.
For non-applicant/State : Shri Praveen Shrivastava, PL.

Hon'ble Shri Justice N.K. Chandravanshi**Order on Board****13-9-2021**

1. Challenge in this revision petition is to the order dated 15-7-2021 passed by learned Addl. Sessions Judge (FTC) Bilaspur in CR.A. No. 87/2021 whereby the appeal preferred by the applicant-jvenile against the order passed by the Juvenile Justice Board, Bilaspur dated 8-7-2021 pertaining to Crime No. 94/2021 registered at PS City Kotwali, Bilaspur has been dismissed, wherein the applicant was denied bail.

2. It is submitted by learned counsel for the applicant that the applicant is a 17 years old boy, he is innocent and falsely implicated in this case. He has not committed any misconduct during custody in the Observation Home. He is in observation home since 23-4-2021. Nothing negative report has been shown in his social investigation report, in- spite of that, the Board as well as the appellate Court have refused him to grant bail. Therefore, the impugned orders of both the Courts below are 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 it is 3rd time the juvenile is in conflict with law and 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 this is 3rd unlawful act registered against applicant, earlier two cases were of marpeet, but his institutional conduct and behaviour is good. There is nothing in the social investigation report against the juvenile 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 from 23-4-2021 as mentioned in the memo of revision, 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 15-7-2021 passed by learned Addl. Sessions Judge (FTC), Bilaspur in CR.A. No. 87/2021 is set aside. It is directed that if the 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/aunt (elder 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/aunt (elder mother).

Certified copy ass per rules.

Sd/-
(NK Chandravanshi)
Judge