

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision. No. 543 of 2021

1. Juvenile in conflict with law, aged about 17 years, Through his father Nehru Nishad, S/o Shri Shyam Lal Nishad, aged about 46 years, R/o Village Khargadih Simga, P.S. Simga, District Baloda Bazar (C.G.)
2. Juvenile in conflict with law, aged about 17 years, Through his father Krishna Kumar Verma, S/o Shri Makunda Ram Verma, aged about 45 years, R/o House No. 952/2 Rameshwar Nagar, Saurabh Kirana Store Bhanpuri Birgaon, District Raipur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh, through District Magistrate, Raipur, District Raipur (C.G.)

---- State/Non-Applicant

For Applicants	:	Shri Pragalbha Sharma, Advocate
For Non-Applicant/State	:	Dr.(Ms.) Veena Nair, Deputy Advocate General

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

29.10.2021

1. This criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act has been preferred against the judgment dated 09.08.2021 passed by the Additional Sessions Judge, (F.T.C. Additional Charge), Raipur (C.G.) in Criminal Appeal No. 117/2021, upholding the order dated 02.08.2021 passed by the Principal Magistrate, Juvenile Board, Mana Camp, Raipur rejecting the bail application of the applicants in connection with Crime 342/2021 registered at Police Station Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 294, 506 Part II, 323, 427, 325, 307 read with Section 34 of IPC.
2. The case of the prosecution, in brief, is that on 11.06.2021 at about 05:30 pm when victim namely Shailendra Kumar Dewangan was talking on his mobile near Jute Mill, Bhanpuri, random dispute between the applicants/juveniles and the victim arose and thereafter the present

applicants along with another person started assaulting the victim with club and iron rod due to which the victim sustained many injuries.

3. Learned counsel for the applicants submits that the Courts below were not justified in rejecting the bail application of the juveniles. He submits that Section 12 of the Juvenile Justice (Care and Protection of Children) Act provides that a juvenile must be released on bail as far as possible unless there are valid reasons for not allowing him bail. In the present case, social status report have not been properly appreciated by the Board as well as the Appellate Court and no specific circumstances, which are required to be present under Section 12 of the Act for rejecting bail, are given against them. The social status reports had been in favour of the juvenile despite that the Board and the Appellate Court both have given consideration to the gravity of the offence and rejected the application. The applicants are innocent boys and have been falsely implicated in the present case. It is further submitted that the conclusion of the trial may take sometime, therefore, they may be released on bail.
4. On the other hand learned State counsel opposes the revision petition. It is submitted that looking to the nature and gravity of the offence, both the Courts below were justified in rejecting the prayer of bail of the applicants.
5. Heard learned counsel for the parties at length and perused the material available on record.
6. In the social status reports of both the applicants, no specific circumstances, which are required to be present for rejecting the bail application as contained in the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act are found. There is also no previous criminal antecedents of the applicants. To decide the bail application of the applicant-jvenile(s), only nature and gravity of the offence is not to be taken into consideration. Hence, this Court is of the view that the Board as well as the

Appellate Court, both have committed error by not properly appreciating the reports of the Probation officer. Therefore, the orders of rejection passed by the Board as well as the Appellate Court are erroneous and need interference.

7. Accordingly, the criminal revision is allowed.
8. The impugned orders passed by both the Courts below are set-aside. It is directed that on furnishing a surety of Rs.50,000/- along with a bond of the same amount, which is to be of the natural guardian mother/father of each of the juvenile, to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when required before Juvenile Justice Board or Child Court, the applicants-juveniles shall be given in custody of their natural guardian mother/father.
9. Certified copy as per rules.

Sd/-

(Gautam Chourdiya)
Judge