

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.584 of 2021**

- Sahil Kamble S/o Shankar Kamble Aged About 17 Years R/o Housing Board, EWS- 1300, Bhilai, Tehsil And District Durg, Chhattisgarh, Through Legal Guardian Lokesh Rao, S/o Janardan Rao Aged About 40 Years, R/o 26/D- AVE, Sector 7 Bhilai, Tehsil And District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Durg, District Durg Chhattisgarh.

---- Respondent

 For Applicant : Shri BP Singh, Advocate
 For Respondent/State : Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****27.9.2021.**

1. Challenge in this revision petition is to the order dated 07.8.2021 passed by the learned Additional Sessions Judge, Durg (C.G.) in Criminal Appeal No. 143/2021, whereby the appeal preferred by the applicant-juvenile against the order of Juvenile Justice Board, Durg dated 29.7.2021 in connection with Crime No. 570/2021 registered at Police Chouki Smriti Nagar, Police Station Supela, Distt. Durg (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. He is in Observation Home since 23.7.2021. More detention 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. Learned counsel for the State 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. Perusal of the social status report shows that this is the second offence registered against the applicant/juvenile in respect of conflict with law. He has appeared Class-XII examination this year. According to the report, his habit and conduct is good. He has committed this offence under the influence and association of bad company. 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 23.7.2021. 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 07.8.2021 passed by Additional Sessions Judge, Durg (C.G.) in Criminal Appeal No. 143/2021 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/ brother-in-law (legal guardian), 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/brother-in-law (legal guardian). If the juvenile applicant is given to the custody of his brother-in-law (legal guardian), the concerned Juvenile Justice Board shall duly verify about the status of relation with his brother-in-law.

Certified copy as per rules.

Sd/-
(N.K. Chandravanshi)
JUDGE