

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 568 of 2021**

Juvenile in conflict with law

---- Applicant

VersusState of Chhattisgarh through District Magistrate, District- Durg,
CG**Non-applicant**

For Applicant : Shri Uttam Pandey, Adv.
For non-applicant/State : Shri Vasim Miyan, PL.

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

8-10-2021

1. Challenge in this revision petition is to the order dated 26-8-2021 passed by learned Upper Sessions Judge, Durg (CG) in CR.A. No. 156/2021 whereby the appeal preferred by the applicant-jvenile against the order passed by the Juvenile Justice Board, Durg (CG) dated 19-8-2021 pertaining to Crime No. 24/2021 registered at PS Amleshwar, Distt. Durg for offence under Sections 302, 34 of the Indian Penal Code, and Section 25 and 27 of the Arms Act 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 about 17 years, he is innocent and falsely implicated in this case. He further submits that applicant is in observation home since 21-2-2021, 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 it is a case under Section 302 of IPC, 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 1st unlawful act registered against applicant, but his institutional conduct and behaviour is good. There is nothing in 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 from 21-2-2021 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 26-8-2021 passed by learned Upper Sessions Judge, Durg (CG) in CR.A. No. 156/2021 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