

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 594 of 2021**

- Mohammad Shakeel S/o Mohammad Kadam Rasool aged about 17 years minor through legal guardian father Mohammad Kadam Rasool Son of Mohammad Chhedi Miya, Aged About 60 years, R/o Quarter No. 9-B, Road N.P.A. Zone-2, Sector-11, Khursipar, Police Station- Khursipar Bhilai, Tehsil and District-Durg (C.G.)

Applicant**Versus**

State of Chhattisgarh, through - The Station House Officer,
Police Station Khursipar, District Durg (C.G.)

Non-applicant

For Applicant : Shri Akhilesh Kumar, Adv.
For non-applicant/State : Shri Devesh Verma, Govt. Adv.

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

27-9-2021

1. Challenge in this revision petition is to the order dated 28-8-2021 passed by learned Addl. Sessions Judge, Durg in CR.A. No. 161/2021 whereby the appeal preferred by the applicant-juvenile against the order passed by the Juvenile Justice Board, Durg dated 9-7-2021 pertaining to Crime No. 241/2021 registered at PS Khurshipar, Distt. Durg for offence under Sections 294, 506, 323, 307, 147, 148, 149 of the Indian Penal Code, 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 17 years, he is innocent and falsely implicated in this case. He further submits that applicant is in observation home since 15-6-2021, keeping him in observation home for long period may create adverse impact in his mind. 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 this is 3rd time when 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. As per material available on record, this is 3rd unlawful act registered against applicant. His behaviour with neighbours and friends is normal. 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 15-6-2021 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 28-8-2021 passed by learned Addl. Sessions Judge, Durg in CR.A. No. 161/2021 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