

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 696 of 2020

Juvenile "A" through its natural guardian Mother "B", R/o Ravindra Nath Tagore Ward, Police Station - Bodhghat, Jagdalpur, District- Bastar (C.G.)

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Bodhghat, Jagdalpur, -District Bastar (C.G.)

--- Respondent

For Applicant : Mr. Malay Shrivastava, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08/01/2021

1. Challenge in this revision petition is to the order dated 30.06.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Bastar, at Jagdalpur (C.G.) in Criminal Appeal No. 16/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Bastar at Jagdalpur (C.G.) dated 04.03.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant does not have any criminal history. There had been love affair between the applicant and the prosecutrix. The Board as well as the appellate court, both have taken into consideration the gravity of offence, whereas, the report of the Probation Officer, was in favour of the applicant, which was not at all appreciated. The impugned order and the

order of the Board, are erroneous, which are not sustainable and interference is prayed for. It is also prayed that this revision petition may be allowed and the relief may be granted to the applicant.

3. Learned State counsel opposes the petition submitting that there is allegation of commission of heinous offence against this applicant. Looking to the statement of the witnesses in the case diary, the applicant is not entitled for grant of bail.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submission made by the counsel from both the sides. The gravity of offence is never a ground for grant or rejection of bail. On considering the social status report given by the Probation Officer, it is found that there no such circumstance made out according to which, there is possibility of this applicant being associated with criminal elements in future and further that, he may be exposed to moral, psychological and physical danger or in case, he is released on bail or that his release on bail will certainly defeat the ends of justice. Therefore, it is a clear case, in which, bail should have been granted under Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, in favour of the applicant and by not doing so, the Board as well as the appellate court, both have committed error. Hence, for these reason, I feel inclined to allow this revision petition.

6. Consequently, the order dated 30.06.2020, passed by learned Additional Session Judge (F.T.C.)/ Child Court, Bastar, at Jagdalpur (C.G.) in Criminal Appeal No. 16/2020, is set-aside. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of same amount, which is to be of his guardian/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/mother.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun