

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 654 of 2021

1. Ritesh Nirmalkar @ Basu S/o Shri Rakesh Nirmalkar, Aged About 16 Years, R/o Harijan Mohalla, Daldalsivni, Through Natural Guardian Shri Rakesh Nirmalkar Police Station Pandri, District Raipur (Chhattisgarh).

---- Applicant

Versus

1. State Of Chhattisgarh, Through The Police Station Pandri, District Raipur (Chhattisgarh).

---- Respondent

For Applicant	: Ms. Renu Kochar, Advocate.
For Respondent	: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/11/2021

- 1) This criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as "Act of 2015") is directed against the order dated 03/09/2021 passed by the Special/Additional Sessions Judge (F.T.C.) Raipur in Criminal appeal No. 127/2021, upholding the order dated 10/08/2021 of the Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur (C.G.) rejecting the bail application of the applicant in connection with Crime No. 139/2021 registered at Police Station Pandri, District Raipur (CG.) for the offence punishable under Sections 307, 341, 34 of Indian Penal Code and Sections 25 & 27 of the Arms Act.
- 2) Allegation against the present applicant is that on 24/07/2021 he alongwith other co-accused persons with intention abused the complainant Arvind Kanwar filthily and with intention to commit his murder assaulted him with hands, fists and knife on his abdomen, thigh and head region.
- 3) Learned counsel for the applicant submits that the applicant/ juvenile is innocent boy and has been falsely implicated in this

case. He has not inflicted any injury to the complainant. The Courts below have not properly appreciated the social status report of the Probation Officer. Therefore, the applicant/juvenile be released on bail.

- 4) On the other hand State counsel supports the impugned order.
- 5) Heard learned counsel for the parties at length and perused the material available on record.
- 6) In the social status reports of the applicant, 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 applicant. As per social status report the education of the applicant is incomplete and he is required to resume the same. To decide the bail application of the applicant juvenile, 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 two surety bonds of Rs. 50,000/- each, one of which is to be of the natural guardian of the juvenile, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when required before Juvenile Justice Board or Child Court, the applicant-juvenile shall be given in custody of his natural guardian.

**-Sd/-
(Gautam Chourdiya)
Judge**