

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 689 of 2021

1. Anees Khalko Bhagat S/o Shri Dinesh Khalko Bhagat, Aged About 16 Years, Represented Through His Natural Guardian Father Shri Dinesh Khalko Bhagat, R/o Bedri Road, Police Station Urla, District Raipur (Chhattisgarh) (Juvenile Conflict With Law)

---- Applicant

(In observation Home)

Versus

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

---- Non-Applicant

For Applicant	: Mr. Pushkar Sinha, Advocate.
For Non-Applicant	: Mr. Chitendra Singh, P.L..

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

14/12/2021

- 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 27/09/2021 passed by the Special/Additional Sessions Judge (F.T.C. Additional Charge) Raipur, District Raipur (C.G.) in Criminal Appeal No. 149/2021, upholding the order dated 25/08/2021 of the Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur (C.G.) rejecting the bail application of the applicant in connection with Crime No. 260/2021 registered at Police Station Urla, District Raipur (C.G.) for the offence punishable under Sections 294, 323, 324, 506/34 of Indian Penal Code and Sections 25 & 27 of the Arms Act. As during treatment the victim died in Hospital on 14/08/2021, offence under Section 302 of Indian Penal Code was also added.
- 2) Learned counsel for the applicant submits that the applicant/ juvenile is innocent boy and has been falsely implicated in this

case. The applicant/juvenile has no criminal record and therefore in view of provision of Section 12 of Act, the applicant/juvenile be released on bail.

- 3) On the other hand State Counsel supports the impugned order.
- 4) Heard learned counsel for the parties at length and perused the material available on record.
- 5) 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. The juvenile, who is about 16 years of age, is in Observation Home since 10/08/2021, there is also no previous criminal antecedents of the applicant, as per social status report, the applicant/juvenile belongs to middle class family, studying in Class 11th and no apprehension has been shown of his coming into contact with known criminals if released on bail. To decide the bail application of the applicant juvenile, only nature and gravity of the offence is not to be taken into consideration. Therefore, this Court is of the view that the Board as well as the Appellate Court were not justified in rejecting the bail application of the applicant juvenile. Thus, the orders passed by the Board as well as the Appellate Court are hereby **set aside**.
- 6) Accordingly, the criminal revision is **allowed**.
- 7) 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