

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 730 of 2020

Suresh Naga Kedari, S/o Naga Kedari, Aged About 16 Years, Through his Natural Guardian (Father) Naga Kedari, S/o Naga Potti Kedari, Aged About 66 Years, R/o 123, Velgur Road Ward No. 02 Post Amapalli, Police Station Ehari Gadhchirouli Maharashtra.

--- Applicant

Versus

State of Chhattisgarh, Through D.R.I. (Directorate of Revenue Intelligence) Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Vikas A. Shrivastava, Advocate.
For State/ Respondent : Ms. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

05/02/2021

1. Challenge in this revision petition is to the order dated 04.11.2020, passed by learned Child Court/ Additional Sessions Judge (F.T.C.), Raipur (C.G.) in Criminal Appeal No. 235/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Raipur (C.G.) dated 20.10.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. The social status report does not mention any circumstance, which could have been made a ground available under proviso to Section 12 (1) of the Juvenile Justice (Care and

Protection of Children) Act, 2015. Therefore, the orders of bail rejection passed by both the courts below, 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 huge quantity of ganja has been seized from possession of this applicant, which is 1213.192 kg. Hence, looking to the gravity of offence, the applicant is not entitled for grant of bail. The Board as well as appellate court, both have not committed any error, in rejecting the bail to the applicant, therefore, this revision petition may also be dismissed.
4. I have heard learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made by the counsel from both the sides. According to the facts of the case, one seizure was made regarding possession of 1213.192 kg. ganja from vehicle bearing registration No. AP 31/TU/0803. The applicant was found as one of the occupants of that vehicle, whereas, the other co-accused, who was also occupant fled from the spot. The social status report that has been submitted by the Probation Officer, does not mention any circumstance holding that there is possibility of this applicant being associated with criminal elements in future and 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, which are the necessary grounds on which, prayer for grant of bail of juvenile, can be rejected. Therefore, I am of this view that the Board as well as the appellate court, both have committed error in refusing bail to the applicant. Hence, for these reasons, I feel inclined to allow this revision petition.

6. Consequently, the order dated 04.11.2020, passed by learned Child Court/ Additional Sessions Judge (F.T.C.), Raipur (C.G.) in Criminal Appeal No. 235/2020, 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/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/-
(Rajendra Chandra Singh Samant)
Judge