

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 736 of 2020

Narayan @ Narad Dewangan, S/o Shri Kamal Dewangan, Aged About 16 Years, Through his father Kamal Dewangan, S/o Shri Vishnu Dewangan, R/o Ward No. 04, Tilda, P. S. Tilda, District- Raipur (C.G.)

--- Applicant

Versus

State of Chhattisgarh through District Magistrate, Raipur, District- Raipur (C.G.)

--- Respondent

For Applicant : Mr. Pragalbha Sharma, Advocate.

For State/ Respondent : Mr. Adil Minhaj, 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 11.11.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Raipur (C.G.) in Criminal Appeal No. 236/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur (C.G.) dated 27.10.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant is innocent and has been falsely implicated in this case. There is no material present that the offence under Section 307 of the I.P.C. can be made out against the applicant. The social status report had been in favour of the applicant, which was not appreciated by the Board as well as the

appellate court. 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 the applicant has criminal history and there are two previous cases registered against him. The social status report is not in favour of the applicant, which mentions about his previous offences. 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 submission made by the counsel from both the sides. Although, there are two previous cases registered against this applicant, but the social status report mentions that there is no possibility of being associated with criminal elements. Further, the social status report mentions that the applicant belongs to economically weaker society and he lives in family atmosphere giving assistance to his father in the matter of earning livelihood. As per the social status report given by the Probation Officer, there is need to engage the applicant in constructive activity and at present, natural father is seeking custody of the applicant. The family atmosphere and guidance of parents, are the best thing to be provided to the applicant.

Hence, after consideration, I am of this view that the social status report does not clearly make out any ground on which, prayer for grant of bail should have been rejected in accordance with the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, for these reason, I feel inclined to allow this revision petition.

6. Consequently, the order dated 11.11.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Raipur (C.G.) in Criminal Appeal No. 236/2020, 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, 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge