

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 1244 of 2021

1. Juvenile In Conflict With Law, Aged About 16 Years, S/o Shri Rijju Nayak Through- His Mother Smt. Reka Nayak W/o Shri Rijju Nayak, Aged About 45 Years R/o New Kaling Nagar, Ner Sulabh Shauchalaya, Gudhiyari, District Raipur (C.G.).

----Appellant
(Juvenile Observation Homes)

Versus

1. State Of Chhattisgarh, Through District Magistrate, Raipur, District Raipur (C.G.).

---- Respondent

For Appellant	: Mr. Pragalbha Sharma, Advocate.
For Respondent/State	: Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

10/12/2021

- 1) This criminal revision under Section 101(5) of the Juvenile Justice (Care and Protection of Children) Act, 2015 (hereinafter referred as "Act of 2015") read with Section 439 of the Code of Criminal Procedure Code, 1973 has been filed against the order dated 24/09/2021 passed by the Special/Additional Sessions Judge (F.T.C. Additional Charge) Raipur in Criminal Case No. 01/2020 rejecting the application under Section 12 of the juvenile.
- 2) Allegation against the present juvenile is that he alongwith other co-accused persons committed murder of Krishna by assaulting him with knife and in order to cause disappearance of the evidence of the crime threw the dead body into the river.
- 3) Learned counsel for the appellant submits that the appellant/ juvenile is innocent boy and has been falsely implicated in this

case. The juvenile has not assaulted the victim. The Court below has not properly considered the social status report of the juvenile submitted by Probation Officer. Therefore, the appellant/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 report of the appellant, 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 appellant/juvenile who is 16 years and 28 days old as submitted by the State Counsel. As per the Probation Officer's report, there is hardly any possibility of the appellant/juvenile coming in contact with the known criminals. To decide the bail application of the appellant juvenile, only nature and gravity of the offence is not to be taken into consideration. The juvenile is in Observation Home since 19/11/2019 and as per order dated 24/09/2021, charge has not yet been framed. Therefore, this Court is of the opinion that present is a fit case for releasing the juvenile on bail. Accordingly, the impugned order dated 24/09/2021 of the Court below is hereby set aside.
- 7) In the result, the appeal is **allowed**. 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 Trial Court, for his appearance as and when required before the Trial Court, the appellant/juvenile shall be given in custody of his natural guardian.

-Sd/-
(Gautam Chourdiya)
Judge