

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 746 of 2021**

- Juvenile in conflict with law, aged about 14 years through his Natural Guardian Father- Nanu Mahanand, R/o BSUP Colony Daldal Sivni, P.S. Pandri Raipur, Civil & Revenue District Raipur C.G.

---- Applicant

Versus

- State of Chhattisgarh through Police Station Pandri Raipur, C.G.

---- Respondent

For Applicant	:	Shri Ajay Mishra, Advocate
For State/Respondent	:	Shri C.B. Kesharwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J**Order on Board****15.12.2021**

1. The criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act has been preferred against the order dated 18.06.2021 passed by the Special Court (Atrocities) & Additional Sessions Judge, Raipur in Criminal Appeal No. 90/2021, upholding the order dated 04.06.2021 passed by the Principal Magistrate, Juvenile Justice Board, Raipur rejecting the bail application of the applicant/juvenile in connection with Crime No. 390/2019 registered at Police Station Pandri Raipur for the offence punishable under Section 302 of IPC.
2. Allegation against the present applicant/juvenile is that on 19.10.2019 juvenile by using filthy language assaulted deceased Durgesh Pandya by means of scissors as a result of which Durgesh Pandya sustained grievous injuries on his chest and stomach. The deceased was admitted in Medical College Hospital, Raipur and during treatment he died.
3. Learned counsel for the applicant submits that the applicant/juvenile is innocent boy and has been falsely implicated in this case. He submits that the Courts below failed to appreciate the fact that there is no direct or clinching evidence against the applicant. The Courts below have also not properly appreciated the social status report of the Probation Officer. Therefore, the applicant/juvenile be released on bail.

4. On the other hand learned State counsel opposes the revision petition. It is submitted that looking to the nature and gravity of the offence, the fact that the applicant has two criminal antecedent under the Sections of IPC, the report of the Probation Officer, both the Courts below were justified in rejecting the prayer of bail of the applicant.
5. Heard learned counsel for the parties at length and perused the material available on record.
6. Considering the facts and circumstances of the case, considering the report of the Probation Officer, if the juvenile is released on bail, he is likely to bring himself into association with any known criminal, age of juvenile in conflict with law i.e. 14 years old at the time incident, he is in Observation Home since 20.10.2019 and till now trial is not concluded, as per Section 14 of the Juvenile Justice (Care and Protection of Children) Act inquiry is to be completed within a period of four months from the date of first production of child before the Board which can be extended by two more months by the Board, the provisions of Section 12 of the said Act, without commenting anything on merits of the case, this Court is of the opinion that present is a fit case to release the applicant on bail. Accordingly, the criminal revision is allowed.
7. The impugned orders passed by both the Courts below are set-aside. It is directed that on furnishing two sureties bonds of Rs.1,00,000/- 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 Children Court, the applicant-jvenile shall be given in custody of his natural guardian.
8. Certified copy as per rules.

Sd/-
(Gautam Chourdiya)
Judge