

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 745 of 2020**

- Abhishek Satnami @ Adi @ Salim, S/o Late Santlal Satnami, Aged About 17 Years Minor, Represented Through Legal Guardian And Mother Smt. Kalabai Wife of Late Santlal Satnami, Aged About 45 Years, Resident of Satnam Chowk, Urla, Police Station Urla, District-Raipur Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through The Station House Officer Police Station Urla, District-Raipur, Chhattisgarh.

**---- Respondent**

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| For applicant  | : | Mr. K.K. Dewangan, Advocate.           |
| For Respondent | : | Mr. Gurudev I. Sharan, Govt. Advocate. |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order On Board**

**06/01/2021**

Heard.

1. This revision petition has been brought being aggrieved by the order dated 2.12.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge, Additional Sessions Judge(FTC), Raipur, Chhattisgarh in Criminal Appeal No.250/2020, affirming the order dated 08.11.2020 passed by the Juvenile Justice Board, Mana Camp, Raipur, Chhattisgarh thereby rejecting the prayer for grant of bail to the applicant.
2. It is submitted by the learned counsel for the applicant that applicant, who is a child in conflict with law, is innocent and has been falsely implicated in this case. There is no direct evidence present against him. Only evidence on the basis of which he is being prosecuted is the memorandum statements of co-accused persons, which are not

admissible in trial. The social status report had also been in favor of the applicant, even then the Courts below did not appreciate the same and have passed orders of rejection. In these circumstances, both the orders impugned herein are liable to be set aside and the applicant deserves to be released on bail.

3. Learned State Counsel opposes the petition and submissions made in this respect. It is submitted that it is a case of commission of heinous crime of murder in which the applicant has actively participated in assaulting the victim, who died later on. Facts of the case show that the applicant has association with criminal elements as other accused persons in this case are history-sheeters, therefore, the applicant cannot take benefit of being a juvenile to pray for grant of bail, hence, the Courts below have not committed any error. The revision petition be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions and the facts of the case. The gravity of the offence cannot be made a ground for rejection of bail to any juvenile offender. In this particular case, the social status report that has been given by the Probation Officer is totally in favor of the applicant and no such circumstance is made out, that the applicant may be associated with criminal elements in future or that he may be exposed to mental, physical and psychological danger or that release on bail would defeat the ends of justice. Therefore, there is no specific reason present according to the proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail prayer. The Board as well as the appellate court have not appreciated the report as well as other circumstances present, which are in favour of the applicants, hence, orders of both the courts below are not sustainable. Therefore, I feel inclined to allow the revision petition.
6. Consequently, the revision is allowed. The orders dated 02.12.2020 & 08.11.2020 passed by the Courts below are set-aside and the prayer

for release of the applicant on bail is allowed. It is directed that on furnishing a surety of Rs. 25,000/- along with a bond of the same amount, which is to be of his natural guardian/mother to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, the applicant shall be given in custody of his natural guardian/mother.

Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge

Nisha