

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 761 of 2021**

- Juvenile in conflict with law, aged about 17 Years, Minor Through Legal Guardian Father Hari Chandra Ratre, Son of Dular Ratre, aged about 55 Years, R/o Mandhaibhatha, Post Sarsinwa, District Balodabazar Bhatapara, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through the Station House Officer, Police Station Sarangarh, District Raigarh, Chhattisgarh.

----State/Non-applicant

For Applicant	Shri Ishwar Jaiswal, Advocate.
For State	Shri Adil Minhaj, Government Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

09/12/2021

1. This criminal revision under Section 102 of the Juvenile Justice (Care and Protection of Children) Act has been preferred against the judgment dated 07.10.2021 passed by the Additional Sessions Judge, (F.T.C.), Raigarh (C.G.) in Criminal Appeal No. 59/2021, upholding the order dated 15.09.2021 passed by the Principal Magistrate, Juvenile Justice Board, Raigarh, C.G. rejecting the bail application of the applicant in connection with Crime No.511/2021 registered at Police Station Sarangarh, District Raigarh, C.G. for the offence punishable under Sections 399, 402 of IPC and Section 25 of the Arms Act.
2. As per the prosecution case, secret information was received by the police that the present applicant along with six other co-accused persons are armed with sword, pistol & Katta and planning to commit

a dacoity in the Jewellery shop and Bank. On receiving said information, police personnel proceeded to the spot and caught the accused persons.

3. Learned counsel for the applicant submits that the Courts below were not justified in rejecting the bail application of the juvenile. He submits that Section 12 of the Juvenile Justice (Care and Protection of Children) Act provides that a juvenile must be released on bail as far as possible unless there are valid reasons for not allowing him bail. In the present case, social status report has not been properly appreciated by the Board as well as the Appellate Court and no specific circumstances, which are required to be present under Section 12 of the Act for rejecting bail, are there against him. The social status report is in favour of the juvenile despite that the Board and the Appellate Court both have given consideration to the gravity of the offence and rejected the application. The applicant is an innocent boy and has been falsely implicated in the present case. It is further submitted that the conclusion of the trial may take sometime, therefore, he may 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, 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. In the social status report of the applicant, 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 applicant who is in observation home since 27.08.2021. Only co-accused persons stated in their memorandum statements that the present applicant is involved in another theft but no charge sheet is filed against the present applicant. To decide the bail application of the applicant-juvenile, only nature and gravity of the offence is not to be taken into consideration. Hence, this Court is of the view that the Board as well as the Appellate Court, both have committed error by not properly appreciating the report of the Probation officer. Therefore, the orders of rejection passed by the Board as well as the Appellate Court are erroneous and need interference.

7. Accordingly, the criminal revision is allowed.

8. The impugned orders passed by both the Courts below are set-aside.

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 Juvenile Justice Board, for his appearance as and when required before Juvenile Justice Board or Child Court, the applicant-juvenile shall be given in custody of his natural guardian.

Sd/-
(Gautam Chourdiya)
Judge