

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 755 of 2020**

Manoj Takhar (Juvenile), S/o Dharmapal Takhar, Aged About 17 Years,  
R/o Ward No. 09, Metal Park, Jhanda Chowk, Kailash Nagar, Birgaon,  
Raipur, District- Raipur (C.G.)

**--- Applicant**

**Versus**

State of Chhattisgarh, Through- P.S. Urla, Raipur, District- Raipur  
(C.G.)

**--- Respondent**

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For Applicant : Mr. J.K. Gupta, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**14/01/2021**

1. Challenge in this revision petition is to the order dated 26.11.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Raipur (C.G.) in Criminal Appeal No. 244/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Principal Magistrate, Juvenile Justice Board, Raipur (C.G.) dated 02.11.2020, 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. The impugned order and the order of the Board, suffer from infirmity. There was nothing against this applicant in the report given by the Probation Officer, even then, the same has not been appreciated in true sense. Hence, 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 there is one previous case registered against this applicant and further, the social status report also mentions that there is possibility that this applicant will be associated with criminal elements. 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. The previous case registered against this applicant, is under Section 294 of the IPC only, therefore, there is no previous history of the applicant regarding his involvement in the similar crime that has been registered against him in the present case. The opinion of the Probation Officer regarding possibility of the applicant being associated with criminal elements, is not based on any fact. Therefore, I am of this view that there is nothing made out to hold that the 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 26.11.2020, passed by learned Additional Sessions Judge (F.T.C.)/ Child Court, Raipur (C.G.) in Criminal Appeal No. 244/2020, 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/mother, 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/mother.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
**Judge**

Arun