

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 753 of 2020

- Juvenile A Through its Natural Guardian Father B, R/o Village-Rajhur Manjharras Para, Police Station-Parpa, District:Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Parpa, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For applicant	:	Mr. Malay Shrivastava, Advocate.
For Respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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

29/01/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 31.10.2020 (Annexure-A/1) passed by the learned Additional Sessions Judge (FTC) / Juvenile Court, Bastar at Jagdalpur (CG) in Criminal Appeal No.32/2020, affirming the order dated 16.09.2020 passed by the Juvenile Justice Board, 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. The learned Courts below have dismissed the application for bail to the applicant only on the ground of gravity of offence, which should not have been considered. The applicant is a tender age boy and he has future prospects. The social status report had also been in favor of the applicant, even then the Courts below did

not appreciate the same and passed the order 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 the offence that has been committed by the applicant is of very heinous nature i.e. rape of a minor victim of only 04 years, which is supported with the evidence of the prosecutrix herself and the medical report also. Therefore, the Courts below have not committed any error in passing the rejection order. The revision petition be dismissed.
4. I have heard both the parties and perused the documents present on record.
5. Considered on the submissions. 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 that the applicant is mentally immature and he was unable to understand the nature of act committed by him, 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 and other circumstances present, which are in favour of the applicants, hence, the orders of both the Courts below are not sustainable and liable to be set aside. 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/-, which is to be of his natural guardian/father, along with a bond of the same amount 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/father.

7. The Court below is directed to verify the guardianship of the parents, who would come forward for furnishing bail bonds.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha