

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 761 of 2020

Juvenile In Conflict With Law S/o Domu Netam Aged About 16 Years R/o Khadakghat Para Praveen Ward Jagdalpur District Bastar (C.G.) Through Domu Netam (Natural Guardian As Father) S/o Puriya Netam Aged About 42 Year, Ro Khadakghat Para Praveen Ward Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate (Collector) Bastar Place Jagdalpur, Police Station Kotwali Place Jagdalpur, District Jagdalpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. P.K. Tulsyan, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-01-2021

Heard.

1. This criminal revision petition has been brought being aggrieved by the order dated 3.12.2020 passed in Criminal Appeal No. 33 of 2020 by the Learned Additional Sessions Judge (F.T.C.)/ Child Court, Bastar at Jagdalpur, dismissing the appeal and upholding the rejection order passed by the Principal Magistrate, Juvenile Justice Board, Bastar at Jagdalpur.
2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The social status report was not at all against this applicant even then his prayer for bail has been dismissed by the Courts below. Hence, the rejection orders

passed by the Courts below are erroneous and it is prayed that the same be interfered by allowing this revision petition and granting relief to the applicant.

3. Learned counsel appearing for the respondent/ State opposes the submissions so made and submits that the applicant has committed a heinous offence and there is requirement of institutional care for him, therefore, learned Courts below have not committed any error in passing orders of rejection. The present revision petition be dismissed.
4. Considered the submissions. The social status report submitted by the Probation Officer does not mention about any circumstance which may be regarded as a ground for rejection of bail as are required to be found according to proviso under Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015, there is no mention of possibility of the juvenile being associated with criminal elements, there is no possibility of his being exposed to moral, physical or psychological danger or that his release on bail would defeat the ends of justice.
5. After considering the social status report given by the Probation Officer with respect to this applicant, I am of this view that the Juvenile Justice Board and the Appellate Court both have committed error by making wrong appreciation of the report of Probation Officer. Hence, this revision petition is fit to be allowed.
6. Accordingly, the revision petition is allowed. The impugned order of the Appellate Court and the order of the Juvenile Justice Board are set aside and the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of

Rs.25,000/- by natural guardian of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi