

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 3 of 2021

- Ram Kumar Vaishnav, S/o Taran Das Vaishnav, Aged About 15 Years, Minor Through-Natural Guardian Father Taran Das Vaishnav, Aged About 60 Years, R/o. Village Dongitarai, Police-Station-Saja, District-Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Bemetara, District-Bemetara, Chhattisgarh.

---- Respondent

For applicant	:	Mr. Vivek Singhal, Advocate.
For Respondent	:	Mr. Gurudev I. Sharan, Govt. Advocate.

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

02/02/2021

Heard.

1. This revision petition has been brought being aggrieved by the order dated 18.11.2020 (Annexure-A/1) passed by the learned Special Judge (FTC) / Juvenile Court, Bemetara, District Bemetara (CG) in Criminal Appeal No.39/2020, affirming the order dated 15.10.2020 passed by the Juvenile Justice Board, Bemetara, District-Bemetara, 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 social status report had been in favor of the applicant, but 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 according to the memorandum statement given by the applicant himself, this is not the only offence registered against him, he has committed other offences also, hence, he is in the direction of becoming habitual offender. 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 admissions made by the applicant in his memorandum statement are not legally admissible. There is no previous antecedent of this applicant according to the police records. The social status report also does not mention of any circumstance which may be available for rejection of bail prayer in accordance with the proviso of Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. 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.

Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge