

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 08 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 (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police
Station Bemetara, District- Bemetara (C.G.)

--- Respondent

For Applicant : Mr. Vivek Singhal, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01/02/2021

1. Challenge in this revision petition is to the order dated 18.11.2020, passed by learned Special Judge (F.T.C.)/ Child Court Bemetara, District- Bemetara (C.G.) in Criminal Appeal No. 38/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board Bemetara, District- Bemetara (C.G.) dated 15.10.2020, has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the Board as well as the appellate court, both have considered the facts of the case and rejected the bail application. They have not given any appreciation to report of the Probation Officer, which was nowhere adverse against this applicant. Therefore, 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 on perusal of the impugned order, it is found that this applicant had participated in commission of more than one offences of similar nature, which shows that the applicant is in direction of becoming habitual offender. Hence, 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 submissions made by the counsel from both the sides. Although, there is allegation against this applicant regarding commission of other similar offences, but the social status report does not mention of any circumstances, which are necessary to be found present in accordance with the proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015 for rejection of bail to the applicant. The Board as well as the appellate court, both should have exercised the jurisdiction in favour of the applicant and by not doing so, the Board as well as the appellate court, both have committed error in refusing bail to the applicant. Hence, for these reasons, I feel

inclined to allow this revision petition.

6. Consequently, the order dated 18.11.2020, passed by learned Special Judge (F.T.C.)/ Child Court Bemetara, District- Bemetara (C.G.) in Criminal Appeal No. 38/2020, 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