

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 02 of 2021

Sohan Lal Deshlahre, S/o Late Shri Dujendra Deshlahre, Aged About 15 Years, R/o Sangam Chowk Station Maroda, P.S. Nevai, District- Durg, through her mother and legal guardian Smt. Geeta Deshlehra, W/o Late Dujendra Deshlehra, Aged About 45 Years, R/o Sangam Chowk Station Maroda, P.S. Neval, District- Durg (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through S.H.O. Nevai, District- Durg (C.G.)

--- Respondent

For Applicant	:	Mr. B.P. Sharma, Advocate & Mr. Shikhar Bakhtiyar, Advocate.
For State/ Respondent	:	Mr. B.P. Banjare, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20/01/2021

1. Challenge in this revision petition is to the order dated 16.12.2020, passed by learned Additional Sessions Judge/ Third Fast Track Special Court (POCSO Act), Durg, District- Durg (C.G.) in Criminal Appeal No. 2618/2020, whereby the appeal preferred by the applicant/ juvenile against the order of Juvenile Justice Board, Durg (C.G.) dated 07.12.2020, 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 passed erroneous orders by considering on gravity of the offence, whereas, the offence under Section 307 of the IPC, is not at all made out against the applicant. The opinion of the surgical specialist, is only to the extent that the injury caused to

the victim, may be of grievous nature. The courts below have not given any consideration to the social status report, which was in favour of the applicant. 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 charge of commission of offence of attempt to murder against the applicant, regarding which, the evidence is present in the case diary. 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. There is no specific opinion given by the surgical specialist that the injuries caused to the victim, that it may have been of fatal nature. The applicant is first offender. The social status report does not mention of any circumstance, which may be a ground for rejection of bail to the applicant under proviso to Section 12 (1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Therefore, 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 16.12.2020, passed by learned Additional Sessions Judge/ Third Fast Track Special Court (POCSO Act), Durg, District- Durg (C.G.) in Criminal Appeal No. 2618/2020, 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