

(2022) 01 CHH CK 0036

In the Chhattisgarh High Court

Case No : Criminal Revision. No. 660, 725 Of 2021

Juvenile In Conflict With Law

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 11-01-2022

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 12, 14, 102
Code Of Criminal Procedure, 1973 — Section 397(1), 401
Indian Penal Code, 1860 — Section 147, 148, 149, 302
Arms Act, 1959 — Section 25, 27

Citation : (2022) 01 CHH CK 0036

Hon'ble Judges : Gautam Chourdiya, J

Bench : Single Bench

Advocate : Pragalbha Sharma, Anand Verma

Final Decision : Allowed

Judgement

Criminal Revision No. 660 of 2021:

Shri Pragalbha Sharma, learned counsel for the juvenile/applicant wants time to file certain document.

At the request of learned counsel for the applicant, list this Cr.Rev. No. 660/2021 after two weeks.

Criminal Revision No. 725 of 2021:

1. This criminal revision i.e. 725/2021 under Section 102 of the Juvenile Justice (Care and Protection of Children) Act read with Section 397 (1)/401 of

Cr.P.C. has been preferred against the order dated 06.10.2021 passed by the Special/Additional Sessions Judge, (F.T.C. Additional Charge), Raipur

(C.G.) in Criminal Appeal No. 152/2021, upholding the order dated 16.09.2021 passed by the Principal Magistrate, Juvenile Board, Mana Camp,

Raipur rejecting the bail application of the applicant in connection with Crime 206/2021 registered at Police Station Abhanpur, District Raipur (C.G.)

for the offence punishable under Sections 302, 147, 148 & 149 of IPC and Sections 25 & 27 of Arms Act.

2. The case of the prosecution, in brief, is that on 26.05.2021 deceased Kishore Baghel and Balla @ Vijay Ogre went to Chota Urla liquor shop for

buying liquor. When they reached the liquor shop, four persons came there by motorcycle, all of them had covered their faces by scarf. Out of those

four persons, one took out his knife and stabbed on stomach, chest and neck of Kishore Baghel. Kishore Baghel sustained injuries and succumbed to

the same in hospital. F.I.R. was lodged against the unknown persons. During investigation, five accused persons were arrested, out of which two are

juvenile including the present juvenile/applicant.

3. Learned counsel for the applicant submits that the Courts below were not justified in rejecting the bail application of the juvenile. He submits that

Section 12 of the Juvenile Justice (Care and Protection of Children) Act provides that a juvenile must be released on bail as far as possible unless

there are valid reasons for not allowing him bail. In the present case, social status report has not been properly appreciated by the Board as well as the

Appellate Court and no specific circumstances, which are required to be present under Section 12 of the Act for rejecting bail, is given against him.

The social status report is in favour of the juvenile despite that the Board and the Appellate Court both have given consideration to the gravity of the

offence and rejected the application. The applicant is innocent boy and has been falsely implicated in the present case. It is further submitted that the

conclusion of the trial may take sometime, therefore, he may be released on bail.

4. On the other hand learned State counsel opposes the revision petition. It is submitted that looking to the nature and gravity of the offence, both the

Courts below were justified in rejecting the prayer of bail of the applicant.

5. Heard learned counsel for the parties at length and perused the material available on record.

6. In the social status report of the applicant, no specific circumstances, which are required to be present for rejecting the bail application as contained

in the provisions of Section 12 of the Juvenile Justice (Care and Protection of Children) Act are found. There is also no previous criminal antecedents

of the applicant. To decide the bail application of the applicant-jvenile, only nature and gravity of the offence is not to be taken into consideration.

Hence, this Court is of the view that the Board as well as the Appellate Court, both have committed error by not properly appreciating the report of

the Probation officer. Therefore, the orders of rejection passed by the Board as well as the Appellate Court are erroneous and need interference.

7. Considering the facts and circumstances of the case, considering the age of juvenile in conflict with law i.e. 15 years old at the time incident, he is in

Observation Home since 29.05.2021 and till now trial is not concluded, as per Section 14 of the Juvenile Justice (Care and Protection of Children) Act

inquiry is to be completed within a period of four months from the date of first production of child before the Board which can be extended by two

more months by the Board, the provisions of Section 12 of the said Act, without commenting anything on merits of the case, this Court is of the opinion

that present is a fit case to release the applicant on bail.

8. Accordingly, the criminal revision (Cr.Rev. No. 725/2021) is allowed.

9. The impugned orders passed by both the Courts below are set-aside. It is directed that on furnishing two surety bonds of Rs.50,000/- each, one of

which is to be of the natural guardian of the juvenile, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when

required before Juvenile Justice Board or Children Court, the applicant-jvenile shall be given in custody of his natural guardian.

10. Certified copy as per rules.