

(2022) 04 CHH CK 0075

In the Chhattisgarh High Court

Case No : Criminal Revision No. 196 Of 2022

Juvenile In Conflict With Law

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 21-04-2022

Acts Referred:

Juvenile Justice (Care And Protection Of Children) Act, 2015 — Section 12(1)

Citation : (2022) 04 CHH CK 0075

Hon'ble Judges : N.K. Chandravanshi, J

Bench : Single Bench

Advocate : Anmol Sharma, Adil Minhaj

Final Decision : Allowed

Judgement

1. Heard.

2. Challenge in this revision petition is to the order dated 11/08/2021 passed by the Additional Sessions Judge, Durg in Criminal Appeal No.144/2021, whereby appeal preferred by the applicant/juvenile against the order passed by the Juvenile Justice Board, Durg dated 29/04/2021 in Crime No.67/2021 of P.S. Newai district, Durg has been dismissed, wherein the applicant has been denied bail.

3. Learned counsel for the appellant/juvenile submits that the appellant is innocent, he has been falsely implicated in this case. It is further submitted that both the Courts below have dismissed the application for grant of bail to the appellant only on the ground of gravity of the offence, whereas this is the first crime registered against him. He is in observation home since 26/02/2021. Charge sheet has been filed. Doctor opined that no definite opinion can be given that rape has been committed with the victim. It is further submitted that nothing against has been mentioned in Social Investigation Report of the appellant. He is regular student of class 8th, more detention will adversely affect the childish mentality. In these circumstances, both the orders impugned herein

are liable to be set aside and the appellant/juvenile may be released on bail.

4. On the other hand, learned State counsel vehemently opposes the submissions made by counsel for the appellant. It is submitted that this is a case of gang rape with minor girl which is very heinous in nature. Learned Courts below have not committed any error in passing the impugned orders. Hence, the revision petition is liable to be dismissed.

5. I have heard learned counsel for the parties and perused the documents available on record.

6. Perusal of the impugned order passed by learned Appellate Court would go to show that bail has been denied, finding involvement of appellant/juvenile in crime in question, hence, he felt that his association is not good. Appellant is in observation home since 26-02-2021. Charge sheet has already been filed. He is said to be student of class 8th. As per Social Investigation Report, it has been stated that this is the first unlawful act committed by the appellant/juvenile. Nothing has been mentioned in the Social Investigation Report of the appellant which may be a ground for denial of bail to the juvenile under the proviso of Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. Hence, I feel inclined to allow this revision petition.

7. Accordingly, the revision is allowed. The order dated 11-08-2021 passed by the Additional Sessions Judge, Durg in Criminal Appeal No.144/2021 is set aside. It is directed that on furnishing a surety of Rs.20,000/- along with a bond of same amount which is to be of his natural guardian/father/mother, to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed, then the appellant shall be given in custody of his natural guardian/father/mother.

8. One closed envelope has been submitted by counsel for the appellant/juvenile along with memo of revision, which contains particulars of the appellant/juvenile. The said envelope shall be made part of record of this order.

Certified copy as per rules.