

(2021) 06 CHH CK 0047
In the Chhattisgarh High Court
Case No : Criminal Revision No. 324 Of 2021

Juvenile In Conflict With Law

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 16-06-2021

Acts Referred:

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

Citation : (2021) 06 CHH CK 0047

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

Bench : Single Bench

Advocate : Anil Gulati, Dinesh Tiwari

Final Decision : Allowed

Judgement

1. Challenge in this revision petition is to the order dated 03.5.2021 passed by learned Additional Sessions Judge (FTC), Baikunthpur, Distt. Korla

(CG) in Criminal Appeal No.22/2021 whereby the appeal preferred by the applicant/juvenile against the order of the Juvenile Justice Board,

Baikunthpur Distt. Korla dated 01.4.2021 has been dismissed and the applicant/juvenile has been denied bail.

2. It is submitted by learned counsel for the applicant/juvenile that the applicant/juvenile is an innocent boy, who is studying in Class-XI, he has been

implicated in this case only on the basis of memorandum statements of other co-accused persons. Both the Courts below have denied bail to the

applicant/juvenile only considering the gravity of offence and assumption that releasing him would again connect him with old circumstances and in

association with criminal elements, but the courts below have not recorded any finding that how releasing of the applicant/juvenile would defeat the

ends of justice. He further submits that the impugned order and the order of

Juvenile Justice Board are erroneous, which are not sustainable, therefore, the revision petition may be allowed and relief may be granted to the applicant.

3. Learned counsel for the State opposes the revision petition.

4. I have heard learned counsel for both the parties, perused the documents placed on record and considered the submissions made by counsel for both the parties.

5. As per the social investigation report, the applicant/juvenile is studying in Class- XI and he is having interest in studies. He is a fully disciplined person in his home but his social connections are not good. Some other cases are also pending against him, therefore, it will be better to keep him in the Observation Home so that he may improve his bad habits and bad association.

6. Perusal of the social investigation report shows that there is nothing in the said report which may be a ground for dismissal of the bail to the juvenile under the proviso to Section 12(1) of the Juvenile Justice (Care and Protection of Children) Act, 2015. The Board as well as the appellate Court, both have committed error in not appreciating the social investigation report properly and rejected the bail of the applicant/juvenile. Hence, I am inclined to allow this revision petition.

7. Consequently, the revision is allowed. The order dated 03.5.2021 passed by the Additional Sessions Judge (FTC), Baikunthpur, Distt. Korla in Criminal Appeal No.22/2021 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 natural guardian/father, 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/fathers.