

(2021) 06 CHH CK 0036
In the Chhattisgarh High Court
Case No : Criminal Revision No. 251 Of 2021

Naveen Roshan Kujur

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision : 14-06-2021

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 12(1)

Citation : (2021) 06 CHH CK 0036

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

Bench : Single Bench

Advocate : Anurag Dayal Shrivastava, Vimlesh Bajpai

Final Decision : Allowed

Judgement

1. This criminal revision has been preferred against Order dated 29.01.2021 passed in Criminal Appeal No.05/2021 by Child Court/Additional Sessions

Judge, FTC (Special Court under the Protection of Children from Sexual Offences Act, 2012), Ambikapur Distt. Surguja, whereby the appeal

preferred by the applicant/juvenile against the order of Juvenile Justice Board, Ambikapur Distt. Surguja has been dismissed and the applicant has

been denied bail.

2. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged by the prosecution and he has been falsely

implicated in the crime in question. The social investigation report does not reveal any fact which would suggest that release of the applicant would

expose him to the moral, psychological or physical danger or bring him in association with any known criminal but without appreciating these facts,

both the Courts below have wrongly dismissed the application and denied him bail. Learned counsel for the applicant further submits that the applicant

is about 12 years of age and he is in Observation Home since 18.12.2020 and staying there for more period will adversely affect his childish mentality,

therefore, it is prayed that present revision petition may be allowed and relief may be granted to the applicant.

3. Learned counsel for the State while opposing the revision petition submits that the applicant and other juveniles, who are in conflict with law, have

committed heinous offence and present applicant has made video of the offence and made viral in social media. He further submits that as per the

social status report, the applicant is not in complete control or in discipline of elders in his family, therefore, the Juvenile Justice Board as well as the

appellate Court have not committed any error in passing the impugned orders, thus, the revision may be rejected.

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

the parties.

5. The applicant is aged about 12 years and it is his mother who is seeking his custody. It has been mentioned in the social status report that the

applicant is in a habit of taking gutka and alcohol and sometimes, he does not listen to his family members. Although it has been mentioned that

another case against the applicant is pending before the Juvenile Justice Board at Ambikapur but details of that case is not mentioned. The specific

circumstances which are required to be present to deny the bail according to the proviso to Section 12(1) of the Juvenile Justice (Care and Protection

of Children) Act, 2015 are not found in the present case. In the above facts and circumstances, I find that orders of rejection passed by the Juvenile

Justice Board as well as the appellate Court are erroneous and not sustainable. Hence, I am inclined to allow this revision petition.

6. Consequently, the revision is allowed. The order dated 29.01.2021 passed by the Child Court/Additional Sessions Judge, FTC (Special Court under

the POCSO Act), Ambikapur Distt. Surguja in Criminal Appeal No.05/2021 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/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/mother.

Certified copy as per rules.