

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No.67 of 2023

Xyz (Juvenile Balak) Nil

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Urla, District- Raipur,
Chhattisgarh

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For State	:	Mr. Lalit Jangde, Dy. G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28.02.2023

Heard.

1. This criminal revision has been filed under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015, against dismissal of appeal by Additional Sessions Judge, Fast Track Special Court (POCSO) Act) Raipur (CG) in Criminal Appeal No.172/2022 order dated 25.07.2022 whereby, an order passed by the Juvenile Justice Board dated 05.07.2022 has been affirmed.
2. Case of the prosecution, in short, is that on 24.05.2022 at about 9.30 pm, the complainant Sourabh Sharma along with his two friends, were returning to Birgaon in a motorcycle. At that time, there was crowd near Ghasidas Chowk, Achholi and the complainant and his friend asked same persons to clear the road

and during this, the accused abused the complainant with filthy language and assaulted him with the help of knife. On the basis of written complaint, FIR has been registered against the present applicant and other co-accused person.

3. Learned counsel for the applicant would submit that co-accused namely Vikash Pandey has already been granted regular bail by the Co-ordinate Bench in M.Cr.C. No.9826 of 2022. He would further submit that the present applicant is a juvenile, he has not committed any offence and he has been falsely implicated in this case and the injury sustained by the victim is simple in nature. He would further submit that the present applicant is in observation home since 05.06.2022 and charge sheet has been filed. Therefore, this criminal revision may be allowed.
4. On the other hand, learned counsel for the State would oppose the revision.
5. I have heard learned counsel for the parties and perused the case diary as well as the social status report.
6. The social status report is in favour of the present applicant and charge-sheet has been filed. Further that the co-accused namely Vikash Pandey has already been granted regular bail by the Co-ordinate Bench in M.Cr.C. No.9826 of 2022 Further, the applicant is

a juvenile and according to Section 12 of the JJ Act, he is entitled for bail, he is in observation home since 05.06.2022. Considering the above facts of the matter, I am inclined to allow this criminal revision. Therefore, this criminal revision is allowed. Consequently, the impugned order dated 25.07.2022 passed by the Juvenile Court/Additional Sessions Judge (F.T.S.C.), POCSO Act Raipur (C.G.) and the order dated 05.07.2022, passed by the Juvenile Justice Board, Raipur are hereby set-aside.

7. Accordingly, the application for grant of bail to the applicant is allowed. It is directed that on furnishing of a personal bond in the sum of Rs. 50,000/- by natural guardian of the applicant with one surety in the like sum to the satisfaction of the concerned Court, for appearance of the applicant as and when directed, the applicant shall be given in custody of his natural guardian.

Sd/-

(Rakesh Mohan Pandey)
Judge