

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.119 of 2016**

- Imran Khan S/o Ashraf Khan Aged About 17 Years Through His Legal Guardian His Father Ashraf Khan R/o Pencil Para Chowk, Police Station - Town, Sambalpur, District (Revenue & Civil) - Sambalpur (Orissa)

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Raipur, District : Raipur Chhattisgarh

---- Respondent

Shri Yogesth Pandey, counsel for the applicant.
Smt. M. Asha, Panel lawyer for the State/respondent.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.4.2016.**

Heard.

2. Brief facts required for the disposal of the instant criminal revisions are that the Juvenile Justice Board on an application filed by the applicant under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act of 2000') in Criminal Case No.515/15 (State Vs. Imran Khan) for release of the said applicant on bail rejected the said application on 23.12.2015. Against the said order the applicant preferred the criminal appeal No.12/2016 before the Special/Additional Sessions Judge, Raipur. The learned appellate Court vide order dated 20.01.2016 affirmed the order passed by the Court below and dismissed the appeal as the same is not maintainable. Against the said order, the applicant has preferred the instant

criminal revision under Section 53 of the Act 2000 and under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 and prayed that the order passed by the trial Court and affirmed by the appellate Court are improper and illegal hence the revision may be allowed and the applicant may be granted bail.

3. On behalf of the respondent reply has been filed wherein it is mentioned that the order passed by the trial Court and affirmed by the appellate court is proper, legal and based on the facts and provision of law. The trial Court has mentioned the reasons for denial of the bail, hence, no any illegality or impropriety has been committed by the trial Court, hence the instant criminal revision may be dismissed.

4. Heard counsel for the parties, perused the record including order dated 20.1.2016 of the appellate Court and the report of the probation officer.

5. Learned counsel for the applicant submits that there is nothing on the report of the probation officer that if bail is granted the applicant may be in contact with habitual criminals. The applicant is interested in driving, ordinarily bail may be granted but for the fact that if report of the probation officer does not support the applicant then only bail may be refused, the Court below has not given reasons for the rejection of the prayer of the bail. Looking to the entire facts, instant revision may be allowed and the bail may be granted to the applicant.

6. Learned counsel for the respondent/State supported the ground taken in the reply and submitted that upon entire perusal of the report of the probation officer, the trial Court has not committed illegality or impropriety.

7. The applicant has not filed impugned order dated 23.12.2015 passed by the Juvenile Justice Board, Raipur. With this, only order passed by the appellate Court dated 21.01.2016, report of the probation Officer and the instant criminal revision and the reply are available for the appreciation.

8. On perusal of the order dated 20.01.2016 it appears that the trial Court vide order dated 23.12.2015 rejected the prayer of the bail of the applicant. As per para 3 of the order dated 21.01.2016, it appears that Juvenile Justice Board dismissed the said application on the ground that release is likely to bring the applicant into association with known or unknown persons of criminal mentality and also the release may expose the applicant to physical and psychological danger and also and the applicant requires institutional correction thereby rejected the prayer. On appreciation of the said observation the trial court held that proviso of Section 12(1) of the Act 2015 is attracted and the trial Court recorded the reasons for denying the bail and mentioned the circumstances that led to such decision. On perusal of the report of the probation officer goes to show that the said applicant /juvenile left his home without intimating any members of the family. He was not interested in studies, the family members were

not taken care for his studies and as he gave more time for the business he could not continue with his studies. He too was interested in driving the vehicles. On the night of the incident after closing the shoe and sandals shop of the the applicant, he along with major accused left his home town i.e. Sambalpur, Orissa and reached Raipur about 200 km away from Sambalpur. The Police seized of 22 kg ganja from the said vehicle.

9. On perusal of the appreciation of the trial Court, further facts that juvenile left his home town without intimating anyone in the family reached Raipur, about 200 km away, he was not having any driving licence though he has lust for driving the vehicle. Upon the consideration of the entire facts, I do not see any reason to disagree on the appreciation of the trial Court as mentioned in para 3 of the order dated 20.01.2016 and also I am not inclined to allow the instant criminal revision. Consequently, the instant criminal revision filed on behalf of the applicant is dismissed at the motion stage itself.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE