

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 305 OF 2015

Lakhan Singh @ Nan (Juvenile) S/o Sukhlal Singh, aged about 17 years, Caste- Gond, R/o Chakniyapara (Narayanpur) PO and Police Station Jhagrakhand, Tahsil Manendragarh, District Koriya (C.G.) through his legal/natural guardian father Sukhlal Singh S/o Sukhnandan Singh aged about 55 years, Caste Gond, R/o Chakniyapara (Narayanpur) PO and Police Station Jhagrakhand, Tahsil Manendragarh, District Koriya (C.G.)

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station-Sonhat, District- Koriya (C.G.)

... Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate.
For Respondent-State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/04/2016

The present Criminal Revision has been preferred under Section 53 of the Juvenile Justice (Care and Protection of Children) Act challenging the order dated 30.3.2015 passed by the Additional Sessions Judge (FTC), Baikunthpur, Koriya in Criminal Appeal No. 11 of 2015 upholding the order of the Juvenile Justice Board, Baikunthpur rejecting the bail application on 19.03.2015 in Crime No. 100 of 2014.

2. Learned Counsel for the Applicant submits that at the time of commission of the offence the Applicant was a juvenile and he is in jail since 09.11.2014 and as such he has already undergone about 1 ½ years of his jail sentence. He submits that since the applicant was a juvenile, the maximum sentence which may be imposed on him is of three years. He submits that the charge levelled against the applicant is of committing murder of the deceased but from the record it is evident that the incident

occurred because of a trivial issue of loan of Rs. 50. He further submits that the applicant had assaulted the deceased with hands and fists and that the deceased had died after two days of the incident. Therefore, considering all these facts, the applicant may be enlarged on bail.

3. However, State counsel opposes the revision on the ground that it is a case where the applicant has been charged under Section 302 of IPC and therefore, he is not entitled to release on bail.

4. Heard learned Counsel for the Applicant and the Non-applicant.

5. Considering the total facts and circumstances of the case particularly the fact that

- i) the Applicant at the time of commission of the offence was a juvenile,
- ii) he has already remained in jail for more than 1 ½ years,
- iii) the dispute arose between the deceased and the applicant on account of a trivial issue of loan of Rs. 50,
- iv) it is the first offence of the applicant and he is not involved in any other case and
- v) the report of the Presiding Officer also shows that the

conduct of the applicant is good, this Court is of the opinion that it is a fit case where the applicant can be released on bail.

6. Accordingly, the Criminal Revision is allowed. The impugned order dated 30.03.2015 is set aside. It is directed that the Applicant shall be released on bail on his and one of his guardian furnishing a personal bond for the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Trial Court and for his appearance as and when directed by the trial Court.

Sd/-
(P. Sam Koshy)
Judge