

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 450 of 2016

Mo. Kamal Khan S/O Mo. Abbas Khan Aged About 16 Years Through
His Guardian Brother Mo. Jamal Khan S/O Mo. Abbas Khan, R/O
Village - Kukdaha, Thana - Itadhi, Distt. - Baksar (Bihar)

---- Applicant

Versus

State Of Chhattisgarh Through Thana In Charge, Thana - Basna, Distt.
Mahasamund, Chhattisgarh

---- Respondent

For Applicant:	Mr. Samir Singh, Advocate
For Respondent-State :	Mr. Anupam Dubey, Dy. Government Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

14.06.2016

1. The present Revision has been preferred challenging the order dated 06.05.2016 passed by the First Additional Sessions judge, Mahasamund in Criminal Appeal No. H 39/2016 whereby the appeal under Section-52 of Juvenile Justice (Care and Protection of the Children) Act, 2000 for grant of bail to the Applicant has been rejected,
2. The present Applicant is under custody in the observation home since 18.10.2015. A Criminal Case No. 15/2016 is pending before the Juvenile Justice Board, Mahasamund. The Present Applicant has been

charged for the offence punishable under Section 20 (B) of the Narcotic Drugs and Psychotropic Substance Act, 1985.

3. Learned Counsel for the Applicant submits that taking into consideration the fact that the present Applicant is a juvenile and also considering the period he has been remained in remand in the observation home i.e. for more than 8 months, and the maximum sentence that may be imposed upon the Applicant on the charges levelled against him is 3 years, he may be released on bail.

4. Learned State Counsel however opposes grant of bail to the Applicant on the ground that nature of allegation against the present Applicant is serious and therefore he shall not be released on bail at this juncture.

5. Taking into consideration the total facts and circumstances of the case particularly taking note of the fact that the Applicant in addition of being juvenile has already remained in the observation home for a period of 8 months and there is all likelihood that the trial would take considerable period of time as is reflected from the fact that till now only charge sheet has been filed and the evidence has yet not been started, this Court is of the opinion that the present is a fit case to be allowed and the Applicant be released on bail from the custody of the observation Home.

6. Accordingly, the Applicant shall be released on bail during the pendency of the Criminal Case on his or one of his guardian furnishing

personal bond for the sum of Rs. 25000/- with two sureties in like sum to the satisfaction of the concerned Trial Court. The Applicant is directed to appear before the Court on each and every date given to him till the disposal of the case.

7. With the aforesaid observations the Revision Application stands allowed.

Sd/-
(P. Sam Koshy)
JUDGE