

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRIMINAL REVISION NO. 124 OF 2016

Nitesh @ Divya Prakash S/o Shri Pulamber Barmate, aged about 17 years, R/o village Palchuwa Thana Mungeli, Revenue Distt. Mungeli, Civil District Bilaspur (CG) Minor through guardian Mama Khuman Prasad S/o Shyamdas Koshale, aged about 40 years, R/o village Sangvakapa, Thana, Mungeli, Revenue Distt. Mungeli, Civil Distt. Bilapur (CG).

... Applicant

Versus

State of Chhattisgarh, through District Magistrate Mungeli, District Mungelia (CG).

... Non-applicant

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent-State	:	Shri Lav Sharma, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/04/2016

1. Heard learned Counsel for the Applicant and the Non-applicant.
2. The present Criminal Revision has been preferred challenging the order dated 02.02.2016 passed in Criminal Appeal No. H-05 of 2016 by the Additional Sessions Judge, Mungeli. The Additional Sessions Judge has vide impugned order has affirmed the order of the Juvenile Justice Board, Mungeli rejecting the bail application on 27.01.2016 in Crime No. 49 of 2016.
3. Learned Counsel for the Applicant submits that the Applicant admittedly is a juvenile, aged about 17 years, and that the offences which have been charged against him are under Sections 147,148,149,294,323 and 307 of IPC. He further submits that the nature of dispute between the parties is very trivial in nature i.e. with regard to cleaning of a drain. That, there is no criminal antecedent of the present applicant. It is also

submitted that two of the family members i.e. applicant's mother and sister have already been released on bail by this court in M.Cr.C No. 2087 of 2016. Further, that he is in jail since 15.01.2016 and therefore he may be enlarged on bail.

4. Considering the total facts and circumstances of the case particularly the fact that the Applicant being a juvenile is already in jail for more than three months and also considering the nature of dispute between two families being too trivial, it is a fit case where he can be released on bail.

5. Accordingly, the Criminal Revision is allowed. The impugned order dated 02.02.2016 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, for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE