

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 245 of 2016**

Aakash Kumar S/o Milan Sahu Aged About 17 Years and 6 Months R/o Lavan Chowki, Lavan, Thana Kasdol, Distt. Balodabazar-Bhatapara, Being Minor Through Father Milan Ram Sahu, Aged About 43 Years, S/o Kartikram Sahu, R/o Lavan Chowki, Lavan, Thana Kasdol, Distt. Balodabazar - Bhatapara Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through District Magistrate, Distt. Baloda Bazar Chhattisgarh.

---- Respondent

For Applicant:
For State:

Mr. Parag Kotecha, Advocate
Mr. U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****13.05.2016**

1. The present Revision has been preferred challenging the order dated 26.02.2016 passed by the First Additional Sessions Judge, Balodabazar in Criminal Appeal No. 05/2016 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, affirming the order of Juvenile Justice Board, Balodabazar dated 27.01.2016.

2. Learned Counsel for the Applicant submits that the Applicant before this Court has been arrested in connection with Crime No. 07/16 registered in Police Station Kasdol under Sections 147, 148, 149, 452,

186, 307, 477, 332, 436 and 336 of I.P.C. and Section 5 of Lok Sampatti Nivaran Adhiniyam. The Applicant is in jail since 02.01.2016. He prays that the present Applicant may be released on bail taking into consideration firstly the Applicant is a juvenile, secondly there is no direct allegation against him and thirdly the incident occurred because of a road accident that took place and thereafter the mob attacked the Police Station and a police personnel who was present in the Police Station, on account of which the case has been registered. He further submits that it is first offence that has been registered against the Applicant, he does not have any other criminal antecedents, therefore looking to the nature of allegation and considering the facts and circumstances of the case, the Applicant may be released on bail.

3. Learned State Counsel however opposes grant of bail to the Applicant considering the nature of the allegation levelled against the Applicant and some other persons.

4. Taking into consideration the total facts and circumstances of the case particularly taking note of the manner in which the incident occurred and also the fact that it was admittedly a mob attack, this Court is of the opinion that the present is a fit case to be allowed and the Applicant be released on bail.

5. Accordingly, both the orders passed by the Court below are set aside.

6. 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