

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 295 of 2016**

1. Harish @ Muswa S/o Late Faguram Aged About 12 Years R/o Village Silpahari, P.S. Sirgitti, District Bilaspur Chhattisgarh.
2. Shrawan @ Jhingra S/o Late Faguram Aged About 15 Years R/o Village Silpahari, P.S. Sirgitti, District Bilaspur Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The District Magistrate, Bilaspur Chhattisgarh.

---- Non-applicant

For Applicants:	Mr. Devesh Chandra Verma, Advocate
For Non-applicant/State:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order on Board****01.07.2016**

1. The present Revision has been preferred challenging the order dated 25.02.2016 passed by the Sessions Judge, Bilaspur in Criminal Appeal No. 31/2016 whereby the appeal under Section-52 of Juvenile Justice (Care and Protection of the Children) Act, 2000 (for short 'the Act, 2000') for grant of bail to the Applicant has been rejected, affirming the order of Juvenile Justice Board, Bilaspur dated 02.02.2016.

2. Learned Counsel for the Applicants submits that the Applicants before this Court have been arrested in connection with Crime No. 388/2015 registered at Police Station Sirgitti, Bilaspur under Sections

452, 294, 506, 323 and 307 read with 34 of I.P.C. The Applicants were arrested on 14.01.2016 and since then they are in a Child Observation Home. He prays that the present Applicants may be released on bail taking into consideration firstly the Applicants are minors, secondly in the said offence four persons were accused; the present minor Applicants and two majors have already been granted bail by this Court vide order dated 20.04.2016 passed in M.Cr.C. No. 2078 of 2016. The present case being identical to that of the M.Cr.C. No. 2078 of 2015 and in addition further taking into consideration the provisions under Section 12 of the Act, 2000, the present Applicants may be released on bail.

3. Learned State Counsel however opposes grant of bail to the Applicants considering the nature of the allegation levelled against the them and some other persons and prays that the present Applicants may not be released on bail.

4. Taking into consideration the total facts and circumstances of the case particularly taking note of the fact that the Applicants remained in the Observation Home since 14.01.2016 that is for almost 6 months and also considering the fact the co-accused who were major have already been released on bail by this Court, this Court is of the opinion that present is a fit case where the Applicants can also be released on bail.

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

6. The Applicants shall be released on bail during the pendency of the Criminal Case on their or one of their guardian furnishing personal bond for the sum of Rs. 20,000/- with one sureties in like sum to the satisfaction of the concerned Trial Court in each case. The Applicants are directed to appear before the Court on each and every date given to them till the disposal of the case.

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

Sd/-
(P. Sam Koshy)
JUDGE