

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 676 of 2016**

1. Prakash Yadav S/o Kamal Yadav Aged About 17 Years Through His Guardian Father Kamal Yadav S/o Manu Yadav, Aged About 50 Years, R/o Village Lavan, Thana - Kasdol, Distt. Baloda Bazar Bhatapara Chhattisgarh.
2. Vikaram Kumar Ratre S/o Bonu Ratre Aged About 15 Years Through His Guardian Mother-In-Law Sonarin Bai W/o Budhu Satnami, Aged 70 Years, R/o Village Lavan (Dhandhani), Thana Kasdol, Distt. Baloda Bazar Bhatapara Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, Thana Kasdol, Distt. Baloda - Bazar - Bhatapara Chhattisgarh.

---- Non-applicant

For Applicants:

Mr. Samir Singh, Advocate

For State:

Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****22.07.2016**

1. The present Revision has been preferred challenging the order dated 13.07.2016 passed by the Second Additional Sessions judge Baloda Bazar, in Criminal Appeal No. 52/2016 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, Baloda Bazar dated 01.06.2016.

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, 336, 436, 353 and 336 of I.P.C. and Sections 3 & 4 of Lok Sampatti Nivaran Adhiniyam. The Applicants are in jail since 03.01.2016. He prays that the present Applicants may be released on bail taking into consideration the fact that firstly the Applicants are juvenile, secondly there is no direct allegation against them and thirdly the incident occurred because of a road accident that took place and thereafter the mob attacked the Police Station injuring 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 Applicants, they do not have any other criminal antecedents, therefore looking to the nature of allegation and considering the facts and circumstances of the case, the Applicants 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 Applicants 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 Applicants be released on bail. In addition, most of the other accused persons have already been enlarged 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 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