

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 68 of 2016

Dharmendra Sonkar (Juvenile) S/o Narayan Sonkar, aged about 17 years, R/o Vindyawasni Ward, Near Water Tank No. 4, Dhamtari, Post Office & Police Station - Dhamtari, Tahsil & District – Dhamtari, Chhattisgarh through his legal / natural Guardian mother Lata Sonkar W/o Narayan Sonkar, aged about 40 years, R/o Vindyawansi Ward, Near Water Tank No. 4, Dhamtari Post Office & Police Station - Dhamtari, Tahsil & District - Dhamtari Chhattisgarh

---- applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station - Rudri, District Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate.
For Respondent-State	:	Shri U. K. S. Chandel, P.L.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

01/07/2016

The present Criminal Revision has been preferred challenging the order dated 04.01.2016 passed the Sessions Judge, Dhamtari in Criminal Appeal No.01/2016 whereby the Sessions Judge has affirmed the order of the Juvenile Justice Board, Dhamtari rejecting the bail application on 09.12.2015 in Criminal Case No. 46 of 2014.

2. Counsel for the applicant submits that the applicant is in observation home since 23.07.2014 and as such he has already remained in custody for about 2 years. He submits that there are four accused persons and the trial is going on and if the applicant is found guilty, the maximum punishment which can be imposed upon the applicant would be three years of which he has already remained in custody for about two years. Therefore, counsel for the applicant prays that the applicant may be

enlarged on bail taking into consideration the provisions of Section 12 of the Juvenile Justice Board.

3. However, State counsel opposes the revision on the ground that it is a case where the applicant has been charged under Sections 302, 201 & 120B/34 of IPC and therefore, he is not entitled to release on bail.

4. Heard learned Counsel for the Applicant and the respondent.

5. Considering the total facts and circumstances of the case particularly the fact that the Applicant is a juvenile and is in custody since 23.07.2014 and also taking note of the fact that the report of the Probationary Officer, Juvenile Justice Board does not show any adverse remark regarding the conduct of the applicant, this Court is of the opinion that it is a fit case where he can be released on bail.

6. Accordingly, the Criminal Revision is allowed. The impugned order dated 04.01.2016 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