

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CR.R. No. 939 of 2017**

Rudratina, S/o. Durga Rao, aged about 16 years, Minor Through: his legal guardian Mausi (Aunt), Kanchan Das, aged about 35 years, R/o. Village- Purvogodh, P.S. - Karai, District – Puri (Odisha)

----Petitioner**Versus**

State Of Chhattisgarh, Through: the Station House Officer, Police Station- Kusmi, District- Balrampur - Ramanujganj, Chhattisgarh, Civil District – Sarguja (Ambikapur) (C.G.).

---- Respondent

For Petitioner	: Mr. Jitendra Shrivastava, Advocate
For State/Respondent	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/12/2017**

1. Challenge in this petition is to the order dated 01.09.2017, passed by Additional Sessions Judge, Ramanujganj, in Criminal Appeal No. R-48/2017, whereby the appeal preferred by the juvenile against the order of Board of Juvenile Justice (Care and Protection of Children) Act, 2015 dated 05.07.2017, in Criminal Case No.27/2017, has been dismissed, wherein the applicant has been denied bail.
2. The case of the prosecution in brief is that a report has been lodged by the complainant – Pawan Kumar Soni alleging in it that on 31.03.2017 at about 10. am, four persons came on motor cycle to his jewelry shop and offered the old ornaments for changing and

when the complainant verified the same, he found that the same are not original and refused to change the same and at that time by putting knife on his neck, the accused persons threatened him and asked him to handover the ornaments and at that time the complainant raised alarm and on which several persons including the police gathered. The accused persons tried to flee away from the spot, however, the applicant and one co-accused Jeetu Pradhan have been caught by the police and seized the duplicate ornaments. Thereby the offence under Section 398, 420, 511 of the Indian Penal Code and Section 25 of Arms Act has been registered and the applicant was sent to juvenile justice board and was placed under observation. The application for grant of bail to the applicant, filed before the Juvenile Justice Board, was rejected. Aggrieved by such order, an appeal was preferred, the appellate Court also dismissed the said appeal, hence this revision.

3. Learned counsel for the applicant would submit that the applicant is in observation home since 31.03.2017, he is a minor and he may be allowed to join the mainstream of the society as it is his first offence, therefore, the he may be enlarged on bail and the revision be allowed.
4. Counsel for the State opposes the petition and the submission made by learned counsel for the applicant.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. A bare perusal of the order of the trial Court shows that a report was submitted by the Probation Officer before the trial Court and

according to the said report, the applicant is illiterate, he is the only bread earner for his family and his mother is ill. Co-accused Jeetu Pradhan has already been released on bail vide order dated 30.11.2017 passed in MCRC No.6178/2017.

7. Considering the facts and circumstances of the case and further considering the documents placed on record, I am inclined to release the applicant on bail.
8. Accordingly, the revision petition is allowed and the orders passed by both the Courts below are hereby set-aside. The applicant shall be released on bail upon furnishing one surety of Rs.10,000/- by the father of the applicant to the satisfaction of the Juvenile Justice Board, for his appearance before the Board as and when directed.

Certified copy as per rules.

Sd/-

(Arvind Singh Chandel)
Winter Holiday Judge