

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 95 of 2018**

Kokikanth Sahu @ Kokil (Juvenile) S/o Shri Awdhesh Sahu, aged about 15 years, through his legal/natural guardian Father Awdhesh Sahu, S/o Neelkanth Sahu, aged about 37 years, R/o Village- Sarora, Ghasidas Chowk, Post Office & Police Station- Urla, Raipur, District- Raipur (C.G.).

**---- Applicant****Versus**

State of Chhattisgarh Through the Station House Officer, Police Station- Urla, District- Raipur (C.G.).

**---- Respondent**


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| For Applicant  | : | Mr. Shivendu Pandaya, Advocate   |
| For Respondent | : | Mr. Satish Gupta, Govt. Advocate |

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Hon'ble Shri Justice Arvind Singh Chandel

**Order on Board****04/07/2018**

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015') against the judgment dated 13/07/2017 passed by the Juvenile Court/Additional Sessions Judge, Fast Track Court, Raipur (C.G.) in Criminal Appeal No. 177/2017, by which the Sessions Judge has rejected the appeal arising out of the order dated 20/06/2017 dismissing his bail application passed in Criminal Case No. 91/2017 by the Juvenile Justice Board, Raipur (C.G.).
2. As per prosecution story on 31/12/2016, a missing report of deceased- Bittu @ Dhaneshwar (henceforth 'the deceased') was lodged by his

father- Komal Sahu to the effect that his son went to outside for Ramayan Path, but he did not return. On the basis of above report, initially offence under Section 363 of IPC was registered. During the course of investigation, the dead body of the deceased was found near the Dindayal Garden, Sondongery, Raipur. It is alleged that on the date of occurrence i.e. 30/12/2016 at about 10:00 pm, the present applicant along with other co-accused (major accused) committed unnatural act with the deceased and they murdered him by way of pressing his neck with the help of rope. Later on, offence under Sections 363, 365, 302 and 201/34 of IPC and Section 4 & 6 of the POCSO was registered by the police and the applicant was arrested on 08/01/2017. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Raipur which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence this revision.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is a juvenile, aged about 15 years, he is in custody since 08/01/2017 and social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.

5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. In the case in hand, the report of Probation Officer does not suggest that release of the Applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on release of the Applicant, there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.
7. Considering the nature of allegation, facts of the case and the fact that the applicant is in observation home since 08/01/2017, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 13/07/2017 is set-aside. It is directed that the Applicant shall be released on bail on furnishing two sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-  
**(Arvind Singh Chandel)**  
**Judge**