

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.82 of 2018**

Minor Lokesh Kumar Banjare, S/o Surendra Kumar Banjare, aged about 17 years, through his legal (natural) guardian/father Shri Surendra Kumar Banajre, S/o Ramdas, aged about 49 years, R/o Village Gopimahka, P.S. and Tahsil Kharsia, District Raigarh, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through District Magistrate, District Raigarh, Chhattisgarh

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For State/Respondent	: Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****2.4.2018**

1. This revision arises out of the judgment dated 30.12.2017 passed in Criminal Appeal No.156 of 2017 by the Incharge Additional Sessions Judge (FTC), Raigarh, by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 13.12.2017 passed by the Juvenile Justice Board, Raigarh rejecting the Applicant's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act.
2. Case of the prosecution, in brief, is that Complainant Arjun was running a ready-made cloth shop at Kharsia. On 27.9.2017, one Vidyanand bought pant-shirt from the shop of the Complainant. At about 6:30 – 7:00 p.m., Vidyanand came back in the shop of the Complainant and asked him to take back the shirt and refund his money. On this issue, an altercation took place. It is alleged that Vidyanand along with his friends Prashant, Yugansha, Rajesh,

Drone, Vicky, Rajkumar, Yudhishtir, Rambhagat, Bhola, Gopal, Faizan and the present Applicant came again and all of them with a common intention entered the shop of the Complainant and assaulted him with hands, fists, plastic chairs and lathi. On receiving injuries, the Complainant died after 3-4 hours. Police registered a crime under Sections 147, 148, 149, 302, 294, 506, 452, 323 and 427 of the Indian Penal Code.

3. Learned Counsel appearing for the present Applicant submits that the Applicant is a juvenile. He is in observation home since 28.9.2017. His involvement in the alleged crime is not found. He has been falsely implicated in the case. He is innocent. It is further submitted that Rajkumar in M.Cr.C. No.7434 of 2017, Yudhishtir in M.Cr.C. No.14 of 2018, Rajesh Rathore, Rajesh Kurre, Bhola, Gopal in M.Cr.C. No.15 of 2018 and Drone in M.Cr.C. No.642 of 2018 have been granted bail by this Court vide order dated 7.3.2018. The case of the present Applicant is also similarly situated. The social investigation report dated 26.3.2018 also 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.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report dated 26.3.2018 with utmost circumspection.

6. I find that the social investigation report 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 custody since 28.9.2017 and the above-named co-accused have already been granted bail, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed. The impugned judgment dated 30.12.2017 is set aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs.25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the said Board as and when directed by the Board.

Sd/-
(Arvind Singh Chandel)
Judge