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HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 143 of 2018**

Virendra Kumar Chandel S/o Atmaram Chandel Aged About
 17 Years R/o Village Dar, Police Station Dhamdha, District
 Durg Chhattisgarh Minor Represented Through Father
 Atmaram Chandel, District : Durg, Chhattisgarh
--- Petitioner

Versus

The State of Chhattisgarh Through Station House Officer,
 Police Station Urla, District Raipur Chhattisgarh,
--- Respondent

For the applicant	:	Mr. HS. Patel, Advocate
For the Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****07.03.2018**

1. Heard.
2. The present revision is against the order dated 19.01.2018 passed by the learned VII Additional Sessions Judge, Raipur in Criminal Appeal No. 25/2018 whereby the order of the Juvenile Justice Board dated 05.01.2018 passed in Criminal Case No. 549/2017 (State of Chhattisgarh Vs. Virendra Kumar Chandel) has been affirmed.
3. Learned counsel for the petitioner would submit that the social investigation report which has been filed by the State along with their reply would show that nothing has been placed on record to show that the release of the applicant would bring him into association with any known criminal, but both the courts below have failed to consider the provisions of section 12 of the Juvenile Justice (Care and

Protection of Children) Act, 2015 wherein certain norms have been prescribed. It is further submitted that in the instant case the applicant is a juvenile and cannot be treated at par with other criminals and more so the co-accused has already been released on bail. It is stated that under this circumstances taking into the provisions of section 12 of the Act, 2015 and as per the law laid down in ***2012(2) CGLJ 513- Vishwajeet @ Krishna Bharadwaj Vs. State of C.G.***, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the grant of bail and submits that the orders passed by the both the courts below are well merited which do not call for any interference by this Court.
5. A perusal of the record would show that on 17.12.2017 during police petrolling, it was found that two persons were loading a plastic bag on the motor cycle bearing registration No. CG-07-BB-6022 and when they were intercepted, it was discovered that total 7.200 bulk liters of illicit liquor was being carried by them, therefore, both the persons were apprehended and one of them was the present petitioner.
6. Section 12 of the Act of Juvenile Justice (Care and Protection of Children) Act, 2015 deals with bail to juvenile which reads as under:

“Section 12 : Bail of Juvenile-- (1). When any person accused of a bailable or non-bailable offence, and apparently a juvenile, is arrested or detained or appears or is brought before a Board, such person shall, notwithstanding any thing contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety [or placed

under the supervision of a Probation Officer or under the care of any fit institution or fit person] but he shall not be so released if there appear reasonable grounds for believing that the release is likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.”

(2) xxx xxx xxx

(3) xxx xxx xxx

7. The social investigation report which is filed by the State is perused. It shows that the petitioner stays with other family members including his grand mother and grand father and other brothers. The investigation report further shows that the petitioner maintained good conduct while as a student and used to maintain good relations with his friends and the explanation is given that while he was coming back from the house of his sister along with another boy, he was apprehended by the police. It appears from the social investigation report that the future of the petitioner shall be more secure and in order to ensure improvement in his conduct, it would be better if he is in the custody of his mother and father as he is a regular student of class-IX. The social investigation report does not suggest any adverse thing that after the release of the petitioner, it will likely to bring him into association with any known criminal or expose him to moral, physical or psychological danger or that his release would defeat the ends of justice.
8. Considering the investigation report and the provisions of section 12 of the Act, 2015, I am inclined to allow this revision petition. Accordingly, the orders passed by the

courts below dated 19.01.2018 & 05.01.2018 are set aside.
The applicant is directed to be released on bail on furnishing
a surety in sum of Rs. 25,000/- by the father/ guardian of the
applicant.

**Sd/-
GOUTAM BHADURI
JUDGE**

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