NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 189 of 2018

Shailendra Kumar Sahu S/o Babloo Sahu, aged about 17 years, minor, represented through father Babloo Sahu, resident of Ward No. 4, Lawan, Police Station- Kasdol, District- Balodabazar- Bhatapara (C.G.).

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police Station- City Kotwali, Balodabazar, District- Balodabazar- Bhatapara

---- Respondent

For Applicant : Mr. Vikash Pradhan, Advocate
For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

23/03/2018

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 order dated 25/01/2018 passed by the First Additional Sessions Judge, Balodabazar, District- Balodabazar-Bhatapara (C.G.) in Criminal Appeal No. 11/2018, by which the Additional Sessions Judge has rejected the appeal arising out of the order 20/12/2017 dismissing his bail application passed in Criminal Case No. 03/2018 by the Juvenile Justice Board, Dhamtari.

2. Brief facts of the case are that on 25/11/2017, the police received an information that two persons are carrying cannabis (Ganja). After search, the applicant was found in possession of 5 kg of Ganja. He

was arrested on 25/11/2017. The applicant filed an application under Section 12 of the Act, 2015, 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 a juvenile and he is in custody since 25/11/2017. It is further submitted that the charge-sheet has already been filed 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.

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 released 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 25/11/2017 and the charge-sheet has already been filed, I am inclined to allow this revision and release the Applicant on bail.

8. Consequently, the revision is allowed and the impugned judgment dated 25/01/2018 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

Rahul