

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 227 of 2018**

Kiran Kumar Khunte S/o Gendram, aged about 17 years R/o Village- Surajpura,
Police Station- Lalpur, District- Mungeli (C.G.).

--- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Vipin Singh, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**07/08/2018**

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 06/02/2018 passed by the Sessions Judge, Mungeli (C.G.) in Criminal Appeal No. 06/2018, whereby the Sessions Judge has rejected the appeal arising out of the order dated 24/01/2018 dismissing his bail application passed in Criminal Case No. 62/2017 by the Juvenile Justice Board, Mungeli.
2. As per prosecution story on 25/08/2017, one Shyam Das given a information to the police informing that some unknown person had killed deceased- Digvijay near field of Onkar at village- Surajpura. On the basis of said information, the police searched the place of incident

and dead body of deceased, one sleeper, pieces of belt and spectacle were found. During the course of investigation, memorandum statement of applicant and other co-accused were recorded and on the basis of the said memorandum statements one Lathi and one mobile was seized from the possession of the present applicant. It is alleged that the spectacle which was found on the spot belongs to the applicant. The applicant was arrested on 25/08/2017. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Mungeli 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 the applicant is innocent and has been falsely implicated in the present case. There is nothing on record which establish that the spectacle belongs to the present applicant. He further submits that apart from above, there is no evidence or circumstance against the present applicant. The applicant is in custody since 25/08/2017 , about 1 year, charge-sheet has been filed and the 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 released of the applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on his release, 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 are in observation home since 25/08/2017 and charge-sheet has been filed, I am inclined to allow this revision and release him on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 06/02/2018 is set-aside. It is directed that the applicant shall be released on bail on his 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