

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 282 of 2018**

Mobin Ali S/o Ali Ahmed, Aged about -16 years R/o Mari Mai Road Talapara, Bilaspur, Police Station- Civil Line Bilaspur, Civil & Revenue District- Bilaspur (C.G.) through natural guardian Ali Ahmed, father of the applicant.

---- Applicant**Versus**

State of Chhattisgarh Acting through Officer-in-charge, Police Station- Civil Line Bilaspur, Civil & Revenue District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Devesh G. Kela, Advocate
For Respondent	:	Mr. Neeraj K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/03/2018**

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 12/02/2018 passed by the Additional Sessions Judge (FTC), Bilaspur (C.G.) in Criminal Appeal No. 20/2018, by which the Additional Sessions Judge has rejected the appeal arising out of the order 18/01/2018 dismissing his bail application passed in Criminal Case No. 05/2018 by the Juvenile Justice Board, Bilaspur.
2. Brief facts of the case are that on 01/01/2018, complainant- Adil Ali lodged a report at Police Station, Civil Line, Bilaspur alleging that

present applicant along with co-accused- Chotu and Sani were assaulting his brother- Azhar Ali and when he restrained them, then he was assaulted with some object on his stomach. Both Adil Ali and Azhar Ali were sent for medical examination. Offence have registered and after investigation, a charge-sheet under Sections 323, 324, 506 and 307 read with Section 34 of IPC was filed. The applicant was arrested on 04/01/2018. The applicant filed an application for bail before the Juvenile Justice Board, Bilaspur 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 though social investigation report is not submitted in this revision, but as mentioned in the order of Juvenile Justice board and First Appellate Court it is clear that on release of the applicant, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. It is further argued that as per the memorandum statement of main accused- Irfan Khan, Adil was assaulted by Irfan Khan himself.
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 the material available on record.
6. In the case in hand, though the social investigation report was not submitted but as mentioned in the order of Juvenile Justice board and

First Appellate Court, it is clear that on release of the applicant, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind.

7. Considering the other fact that the Adil was assaulted by co-accused Irfan and further considering the detention period of this Juvenile, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 12/02/2018 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