

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.259 of 2018**

Shivam Kumar Singh, aged about 13 years, son of Sudhir Kumar Singh,
R/o Madhurapur, District Vaishali, Bihar

---- Applicant

versus

State of Chhattisgarh through the District Magistrate Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Sumit Singh, Advocate
For State/Respondent	:	Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****9.4.2018**

1. This revision arises out of the order dated 21.2.2018 passed in Criminal Appeal No.42 of 2018 by the Juvenile Court/9th Additional Sessions Judge, Raipur by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 30.1.2018 passed by the Juvenile Justice Board, Raipur rejecting the Applicant's application for grant of bail.
2. Case of the prosecution, in brief, is that an offence under Sections 419, 420 of the Indian Penal Code and Sections 9 and 10 of the Chhattisgarh Sarvajanic Pariksha (Anuchit Sadhano Ka Nivaran) Adhiniyam, 2008 was registered against the Applicant and other co-accused at Police Station Civil Lines, Raipur on the allegation that the Applicant/juvenile appeared in the examination of Xth Standard which was being conducted by Rashtriya Mukta Vidyalaya Shiksha Sansthan in which the admit card was not issued in the name of the Applicant and he had appeared personating himself

as the candidate in whose name the admit card was issued to appear in the examination.

3. Learned Counsel appearing for the Applicant submits that the Applicant is a juvenile. He is in custody since 17.1.2018. He is innocent and has been falsely implicated in the case. Other co-accused, namely, Saurabh Singh, Devendra Kurre, Arun Kujur, Swati Verma, Anuj Kumar, Sagar Singh, Shiv Pahan and Vikesh Singh have already been released on bail. The case of the present Applicant is similarly situated to that of the other co-accused. Therefore, he may be released on 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 30.1.2018/3.4.2018 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, the social investigation report and that the Applicant is in custody since 17.1.2018 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 order dated 21.2.2018 is set aside. It is directed that the Applicant shall be released on bail on furnishing a local surety of Rs.20,000/- of Raipur (Chhattisgarh) 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