

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 280 of 2018**

1. Jai Chandra S/o Dwarika Chandra; aged about 17 years,
2. Vijay Chandra S/o Dwarika Chandra; aged about 17 years

Both R/o Village- Alikud; Police Station- Bailaigarh; at present- Girwani; Chowki- Bhatgaon, District (Revenue & Civil)- Balodabazar-Bhatapara (C.G.) through the (Natural Guardian) Mother Smt. Urvashi W/o Dwarika Chandra; aged about 40 year, R/o Village- Alikud; Police Station- Bailaigarh; at present- Girwani; Chowki- Bhatgaon District (Revenue & Civil)- Balodabazar- Bhatapara (C.G.).

---- Applicants**Versus**

State of Chhattisgarh Through: Police Chowki- Bhatgaon; Police Station- Bilaigarh; District (Revenue & Civil) Balodabazar- Bhatapara (C.G.).

---- Respondent**AND****Criminal Revision No. 281 of 2018**

Sachin Kumar, S/o Ramlal Sarthi; aged about-17 years, R/o Village- Balpur, Police Station- Sarsiwan; District (Revenue & Civil)- Balodabazar-Bhatapara (C.G.), through the (Natural Guardian) father Ramlal Sarthi, S/o Rampal Sarthi, aged about 60 years, R/o Village- Balpur, Police Station- Sarsiwan; District (Revenue & Civil)- Balodabazar- Bhatapara (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through: Police Chowki- Bhatgaon; Police Station- Bilaigarh; District (Revenue & Civil) Balodabazar- Bhatapara (C.G.).

---- Respondent

For Applicants	:	Mr. Sumit Jhanwar, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate
For Objector	:	Mr. Ramakant Mishra, Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

20/06/2018

1. Since both the revisions arise out of common order, therefore, they are being disposed of by this common order.
2. These revisions have 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 03/02/2018 passed by the First Additional Sessions Judge, Balodabazar, District Balodabazar (C.G.) in Criminal Appeal No. 14/2018 (In CRR No. 280/2018) and Criminal Appeal No. 15/2018 (In CRR No. 281/2018), by which the First Additional Sessions Judge has rejected the appeals arising out of the order dated 17/01/2018 dismissing their bail applications by the Juvenile Justice Board, Balodabazar.
3. Case of the prosecution in brief is that on 26/12/2017, a report was lodged by Punishwar Chandra that on 25/12/2017 his son Naresh Chandra went to Korba for treatment of his driver- Hemlal. On 26/12/2017 at evening, he had a conversation with his son and at that time his son expressed that he has dropped Hemlal at his village and he is returning, but his son did not return. On the said report, on 27/12/2017 at about 2:50 at night, vehicle bearing No. CG 22 A.B. 7848 was stopped and searched, then Naresh Chandra S/o complainant has been recovered from the possession of the present applicants along with other co-accused. It is alleged that the applicants and other co-accused kidnapped Naresh Chandra and demanded Rs. 3 lakhs and they also assaulted him. An offence under Section 364

(A) and 397 of IPC was registered and the applicants were arrested on 27/12/2017. The applicants filed applications under Section 12 of the Act, 2015 before the Juvenile Justice Board, Balodabazar which were dismissed. Against the said dismissals, appeals were preferred which were also dismissed. Hence this revision.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. They are juveniles, aged about 17 years and are in observation home since 27/12/2017. He further submits that the charge-sheet has already been filed and social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they may be extended the benefit of bail.
5. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
6. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
7. In the case in hand, the report of Probation Officer does not suggest that released of the Applicants would expose them to moral, psychological and physical danger. The report also does not suggest that on release of the Applicants, there is likelihood of bringing them in association with any known criminal and their release would defeat the ends of justice.
8. Considering the nature of allegation, facts of the case and the fact that

the Applicants is in observation home since 27/12/2017 and the charge-sheet has already been filed, I am inclined to allow these revisions and release the Applicants on bail.

9. Consequently, the revisions are allowed and the impugned judgment dated 03/02/2018 is set-aside in both the revisions. It is directed that the Applicants shall be released on bail on each of them furnishing two sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge