

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No.311 of 2018**

Mohd. Faizan, age 16 years, through his Natural Guardian represented by his father Mohd. Mustaq Ahmed, S/o Samsuddin Minya, aged about 52 years, R/o Purani Basti, Hanuman Chowk, Kharsiya, Tahsil and P.S. Kharsiya, District Kharsiya, Chhattisgarh

---- Applicant

**versus**

State of Chhattisgarh through the District Magistrate, Raigarh, District Raigarh, Chhattisgarh

---- Respondent

|                      |   |                                        |
|----------------------|---|----------------------------------------|
| For Applicant        | : | Shri Mateen Siddiqui, Advocate         |
| For State/Respondent | : | Shri Neeraj Sharma, Dy. Govt. Advocate |

**Hon'ble Shri Justice Arvind Singh Chandel****Order On Board****12.4.2018**

1. The instant revision arises out of the judgment dated 23.2.2018 passed in Criminal Appeal No.18 of 2018 by the Incharge Additional Sessions Judge (FTC), Raigarh, by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 17.1.2018 passed by the Juvenile Justice Board, Raigarh rejecting the Applicant's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act.
2. Case of the prosecution, in brief, is that Complainant Arjun was running a ready-made cloth shop at Kharsia. On 27.9.2017, one Vidyanand bought pant-shirt from the shop of the Complainant. At about 6:30 – 7:00 p.m., Vidyanand came back in the shop of the Complainant and asked him to take back the shirt and refund his money. On this issue, an altercation took place. It is alleged that

Vidyanand along with his friends Prashant, Yugansha, Rajesh, Drone, Vicky, Rajkumar, Yudhishtir, Rambhagat, Bhola, Gopal, Lokesh and present Applicant Faizan came again and all of them with a common intention entered the shop of the Complainant and assaulted him with hands, fists, plastic chairs and lathi. On receiving injuries, the Complainant died after 3-4 hours. Police registered a crime under Sections 147, 148, 149, 302, 294, 506, 452, 323 and 427 of the Indian Penal Code.

3. Learned Counsel appearing for the present Applicant submits that the Applicant is a juvenile. He is in observation home since 28.9.2017. His involvement in the alleged crime is not found. He has been falsely implicated in the case. He is innocent. There is nothing on record to show that the present Applicant was anywhere associated with the crime in question as he is only a 16 years' old boy and he was only standing by the side because his father's shop is situated nearby the place of incident. It is further submitted that other co-accused, namely, Rajkumar in M.Cr.C. No.7434 of 2017, Yudhishtir in M.Cr.C. No.14 of 2018, Rajesh Rathore, Rajesh Kurre, Bhola, Gopal in M.Cr.C. No.15 of 2018, Drone in M.Cr.C. No.642 of 2018 have been granted bail by this Court vide order dated 7.3.2018 and Lokesh in Criminal Revision No.82 of 2018 has been granted bail by this Court vide order dated 2.4.2018. The case of the present Applicant is also similarly situated. The social investigation report dated 27.3.2018 also 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 dated 27.3.2018 and other material available 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 and the above facts and circumstances of the case, particularly, the facts that the above-named co-accused have already been granted bail and the present Applicant is in observation home since 28.9.2017, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed. The impugned judgment dated 23.2.2018 is set aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs.25,000/- 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