

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1106 of 2017**

Lalit Kashyap S/o Late Rainuram Kashyap, aged about 17 years, Caste- Gond, R/o Kudur Gadangudapara, Police Station Mardapal, District- Kondagaon (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through: the Police Station, Mardum, District- Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Puneet Ruparel, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**07/09/2018**

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 13/10/2017 passed by the IIIrd Additional Sessions Judge, Bastar Place Jagdalpur (C.G.) in Criminal Appeal No. 26/2017, whereby the IIIrd Additional Sessions Judge has rejected the appeal arising out of the order dated 06/09/2017 dismissing his bail application passed in Criminal Case No. 32/2017, by the Juvenile Justice Board, Jagdalpur.
2. As per prosecution story on the date of incident, the present applicant, who is a juvenile along with co-accused (major) Ganesha were searched by the police party during patrolling. It is alleged that 5 kg

ammonium nitride, jellywaal 2 pieces and 10 pieces of posters were recovered from their possession. Offence under Sections 4 & 5 of the Explosive Act and Section 25 of the Arms Act was registered against both of them. The applicant and co-accused were taken into custody on 15/01/2017. The present applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Jagdalpur 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. He further submits that the applicant is a juvenile, aged about 17 years, he is in custody since 15/01/2017, charge-sheet has been filed and other co-accused- Ganesha has already acquitted from the charges leveled against him by the trial Court. He further submits that even 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 submits that it is reported by the Probation Officer that the applicant assisted the Moist by providing food to them. If he is granted bail then there is every possibility for him to come in contact with criminal, therefore, his application may be rejected.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.

6. Considering the nature of allegation, facts of the case and the fact that the applicant is in observation home since 15/01/2017, he is juvenile, he has no known criminal antecedent, 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, I am inclined to allow this revision and release him on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 13/10/2017 is set-aside. It is directed that the applicant shall be released on bail on his furnishing a bail bond of Rs. 25,000/- with one local surety of the like sum 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