

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 478 of 2018**

Dikesh Kumar S/o Chatur Singh, aged about 17 years, through natural guardian Mother Smt. Puneeta Bai W/o Chatur Singh, aged about 37 years R/o Village- Koda, Thana- Katghora, Tahsil Katghora, District- Korba (C.G.).

--- Applicant

Versus

State of Chhattisgarh, through District- Magistrate- Korba, (C.G.) represented through Police Station- Katghora, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash Pandey, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/08/2018

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 24/03/2018 passed by the Second Additional Sessions Judge, Korba (C.G.) in Criminal Appeal No. 12/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 07/02/2018 dismissing his bail application passed in Crime No. 159/2017, Police Station- Katghora by the Juvenile Justice Board, Korba.
2. As per prosecution story on the intervening night of 23-24/05/2017, Mathur Singh and his wife- Indira were found dead in their house. Their house was also burned. Merg intimation was lodged by co-

accused – Chatur Singh, brother of deceased- Mathur Singh. After merging inquiry, it was found that both Chatur Singh and the present applicant had committed the murder of deceased- Mathur Singh and Indira Bai. Offence was registered under Section 302, 439 and 201 read with 34 of the IPC. The applicant was arrested on 07/09/2017. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Korba 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 07/09/2017, 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. Therefore, he may be extended the benefit of bail.
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 perused the social investigation report and other material available on record.
6. In the case in hand, the report of Probation Officer does not suggest that released of the applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on his release, 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 and the fact that the applicant is in observation home since 07/09/2017 and charge-sheet has been filed, I am inclined to allow this revision and release him on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 24/03/2018 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