

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 504 of 2018**

Sanjay Khilo S/o Narsingh Khilo, aged about 14 years, Through his Natural Guardian (father) Narsingh Khilo S/o Madhup Khilo, aged about 45 years R/o Vill. Godhihazar balel, machkund Distt. Koraput Orissa.

--- Applicant**Versus**

State of Chhattisgarh, Through Aarakshi Kendra Kondagaon, Distt. Kondagaon (C.G.).

---- Respondent

For Applicant	:	Mr. Vikas Shrivastava, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**09/08/2018**

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 09/04/2018 passed by the Additional Sessions Judge, Kondagaon (C.G.) in Criminal Appeal No. 27/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 14/03/2018 dismissing his bail application passed in Crime No. 14/2018, Police Station- Kondagaon by the Juvenile Justice Board, Kondagaon.
2. As per prosecution story on 12/01/2018 during the proceeding of M.C.P on N.H-30, police party stopped a vehicle bearing registration No. OR 10 H 3758 and searched. It is alleged that the applicant and

co-accused persons allegedly found in possession of 100.610 Kg Ganja which was seized from their joint possession. Offence was registered and the applicant was arrested on 13/01/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Kondagaon 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 14 years, he is in custody since 13/01/2018, 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 13/01/2018 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 09/04/2018 is set-aside. It is directed that the applicant shall be released on bail on his furnishing a bail bond of Rs. 100,000/- 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