

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 545 of 2018**

Vikky Kumar @ Chhotu S/o Vipin, Aged about 15 years, R/o Village- Benibigha,
Police Station- Nararikala Khurd, District – Aurangabad (Bihar)

--- Applicant**Versus**

State of Chhattisgarh, Through: Police Station Mahasamund, District-
Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. U.K.S. Chandel, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**27/07/2018**

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 24/01/2018 passed by the Additional Sessions Judge (FTC), Mahasamund (C.G.) in Criminal Appeal No. H05/2018 by which the Additional Sessions Judge has rejected the appeal arising out of the order dated 03/01/2018 dismissing his bail application passed in crime No. 526/2016 by the Juvenile Justice Board, Mahasamund.
2. As per prosecution story it is alleged that on 17/10/2018 at about 8:00 am, the present applicant who is a juvenile in association with 4 other persons laced with dangerous weapons like Katta entered in wine

shop and looted Rs. 16,95,000/- cash, golden ring and a mobile phone. Offence was registered and during the course of investigation on 16/11/2016 the applicant was arrested. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Mahasamund 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. He is a juvenile and is in custody since 16/11/2016. He further submits that 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 release 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 are in observation home since 16/11/2016 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 24/01/2018 is set-aside. It is directed that the applicant shall be released on bail on his furnishing two sureties each of Rs. 25,000/- 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