

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 531 of 2018**

Arif Khan @ Gholtu S/o Roshan Khan aged about 17 years, Occupation- Student R/o Village- Baigapara Samarbara, P.S. & Tehsil – Bagicha, District- Jashpur (C.G.) through: Guardian/Mother- Sahida Begum W/o Roshan Khan, aged about 50 years, R/o Village- Baigapara Samarbara P.S. And Tehsil- Bagicha, District- Jashpur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through- District- Magistrate District- Ambikapur, District- Surguja (C.G.).

---- Respondent

For Applicant	:	Mr. Nishikant Sinha, Advocate
For Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**18/05/2018**

1. This revision has been preferred under Section 101 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015') against the judgment dated 27/03/2018 passed by the Sessions Judge, Ambikapur, District- Surguja (C.G.) in Criminal Appeal No. 23/2018, by which the Sessions Judge has rejected the appeal arising out of the order dated 08/02/2018 dismissing his bail application passed in Criminal Case No. 25/2018 by the Juvenile Justice Board, Ambikapur.
2. A charge-sheet under Sections 363, 366-A, 370/34 of IPC was filed before the Juvenile Justice Board against the present applicant

alleging that 30/10/2012 at about 3:00 pm, the prosecution met with the co-accused Akbar Khan who is brother-in-law of the present applicant. Akbar asked her to come along with him and since he was well known to prosecutrix, she went along with him and thereafter she was taken to Mainpat on promise of solemnizing her marriage with a good boy, where the present applicant met her. Thereafter, she went along with the applicant to Kishangarh, Chhatarpur via Anuppur Katni by train. She thereafter somehow managed to make call at home and she was recovered by the police of Kishangarh and handed over to her family members. Thereafter, the report was lodged and the applicant was arrested on 23/01/2018 . The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Ambikapur 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 that the applicant is innocent and has been falsely implicated in the present case. He is a juvenile and is in custody since 23/01/2018. He further submits that the main accused- is Akhbar Khan, the charge-sheet has already been filed and 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 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, facts of the case and the fact that the Applicant is in custody since 23/01/2018 and the charge-sheet has already been filed, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 27/03/2018 is set-aside. It is directed that the Applicant shall be released on bail on 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