

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 555 of 2018

- Touhid Khan @ Sonu S/o Shri Kurban Khan, Aged About 16 Years Through His Legal Guardian His Father Shri Kurban Khan S/o Late Shri Suddi Khan R/o Chougada, P. S. Koraoun, District Allahabad U, P. Presently R/o R. C. I. Transport Ranwabhata, P. S. Khamtarie, District (Revenue And Civil) Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The District Magistrate, Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Yogesh C Pandey, Advocate
For Respondent	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/05/2018

1. This criminal revision is directed against the order dated 9.5.2018 passed by the learned 9th Additional Sessions Judge, Raipur in Criminal Appeal No.129/18 affirming the order dated 3.5.2018 passed by the Juvenile Justice Board, Raipur in Crime No.64/18 registered at Police Station Urla, District Raipur refusing bail to the applicant herein.
2. The applicant is a juvenile aged 16 years. He was apprehended on the allegation of having committed the offence under Sections 294, 506B, 323, 327, 394 & 411 of the IPC.
3. Learned counsel appearing for the State was directed to seek report of the Probation Officer, the same was produced before this Court and has been perused.
4. The Courts below has rejected the application for grant of bail as also appeal on the ground that if the applicant is granted bail, the interest of

justice would be defeated. However, after going through the record of the case, this Court does not find any such material. Report of the Probation Officer also does not contain any material to come to the conclusion that in the event of grant of bail to the applicant, the interest of justice would be defeated.

5. Considering the mandate of Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015, in the absence of there being any material to show that there is likelihood that release of the applicant on bail will bring him in association with some known criminals and may also expose him to moral, physical or psychological danger or that his release would defeat the ends of justice, this Court is of the considered view that the applicant deserves to be released on bail.
6. Resultantly, this revision is allowed and the orders impugned passed by the appellate Court and the Board are hereby quashed. It is ordered that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.10,000/- by his father with one local surety in the like amount to the satisfaction of the Juvenile Justice Board, Raipur for his appearance before it. It is further directed that it shall be duty of the father of the applicant to produce him before the Board as and when directed by it and he shall take proper care that the applicant does not come into association of any person of criminal background.
7. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

roshan/-