

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 602 of 2018**

Suraj Kumar Dhuri S/o Shri Balram Dhuri, aged about 17 years R/o Village Butapara PS Torwa, Tahsil & District- Bilaspur (C.G.) (Natural Guardian Father Shri Balram Dhuri S/o Sunaram Dhuri, aged about 45 years).

---- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station, Takhatpur, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Dheerendra Pandey, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**17/07/2018**

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 04/05/2018 passed by the Additional Sessions Judge (FTC), Bilaspur (C.G.) in Criminal Appeal No. 100/2018, by which the Sessions Judge has rejected the appeal arising out of the order dated 12/04/2018 dismissing his bail application passed in Crime No. 105/2018 Juvenile Justice Board, Bilaspur (C.G.).
2. As per prosecution story on 26/03/2018 at about 8 pm, when complainant- Amit along with Suresh and Dinesh went to attend the call of nature, it is alleged that at that time, present applicant (juvenile)

along with co-accused came there and assaulted the complainant with Danda and rod. The matter was reported by Amit. Offence was registered and the applicant was arrested on 30/03/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Bilaspur 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 further submits that that the applicant is a juvenile, aged about 17 years, he is in custody since 30/03/2018 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 released 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 observation home since 30/03/2018 and charge-sheet has 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 04/05/2018 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