

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 732 of 2018**

Sudhir Gupta S/o. Chandan Gupta, Aged about 16 years Through:- Smt. Reeta Devi W/o Chandan Gupta, aged about 42 years, Both are R/o. Village Dhaniyalur P.S. Parpa, District- Bastar (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through: District Magistrate Bastar, Jagdalpur and P.S. Bodhghat District- Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsiyan, Advocate
For Respondent	:	Mr. Arvind Shukla , PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**20/07/2018**

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 28/06/2018 passed by the III Additional Sessions Judge, Bastar, Place- Jagdalpur (C.G.) in Criminal Appeal No. 17/2018, by which the Sessions Judge has rejected the appeal arising out of the order dated 06/06/2018 dismissing his bail application passed in Crime No. 147/2018, registered at P.S. Bodhghat, District- Bastar by the Juvenile Justice Board, Bastar.
2. As per prosecution story on the basis of information received from the informant on 19/05/2018, the police has seized total 45 bulk liters Goa Whisky from the possession of the present applicant, which the

applicant was keeping with him for illegal sale. It was further alleged that some illegal liquor was also seized from his father and brother. On this basis, offence was registered and the applicant was arrested on 19/05/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Raipur 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 the applicant is a juvenile aged about 16 years, he is in custody since 19/05/2018 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 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 19/05/2018 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 28/06/2018 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