

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 736 of 2018**

Deepesh Tahalwani s/o Rajkumar Tahalwani, aged about 17 years, Minor through Guardian- father Rajkumar Tahalwani, aged about 50 years, R/o Junglepara, Ward No. 3 Nagri, District- Dhamtari (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through: District Magistrate, Dhamtri, District- Dhamtari (C.G.).

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

01/08/2018

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 27/06/2018 passed by the Sessions Judge, Dhamtari (C.G.) in Criminal Appeal No. 31/2018 by which the Sessions Judge has rejected the appeal arising out of the order dated 13/06/2018 dismissing his bail application passed in Criminal Case No. 22/2018 by the Juvenile Justice Board, Dhamtari.
2. As per prosecution story one- Chandrakant Sahu lodged a report in Out post- Kareli Badi against some unknown persons on 17/04/2018 alleging inter-alia that he is in one Finance Company. It was further alleged that on 17/04/2018 at about 6:30 am, he was going for

collection of money and collected Rs. 81,852/- and thereafter going to deposit the same in the Finance company on his motor-cycle. It was further alleged that at about 11:00 am, when he reached near village-Kundel then two unknown persons came to him and tried to snatch the bag then he run away towards field. Both the unknown accused caught hold him and snatch the bag and mobile from his pocket and escaped from the spot. On the basis of said report, offence was registered. During the course of investigation, the said looted mobile phone and cash of Rs. 71710/- were seized from the possession of the applicant. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Dhamtari 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 and has been falsely implicated in the present case. He is a juvenile and is in custody since 18/04/2018. 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 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 are in observation home since 18/04/2018 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 13/06/2018 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