

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 893 of 2018**

Prakash Bhagat S/o Umesh Bhagat, aged about 17 years Through: Umesh Bhagat R/o Zone-3, Near Chandrama Hotel, Khursipaar P.S. Khursipaar District-Durg (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through: District Magistrate, Durg, Distt. Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Anurag Jha, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/09/2018**

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 10/07/2018 passed by the 5th Additional Sessions Judge (FTC)/ Children Court, Durg (C.G.) in Criminal Appeal No. 150/2018, whereby the 5th Additional Sessions Judge has rejected the appeal arising out of the order dated 03/07/2018 dismissing his bail application passed in Criminal Case No. 198/2018 by the Juvenile Justice Board, Durg.
2. As per prosecution story, on 09/03/2018 on the basis of information received from the informant, the present applicant and other two accused persons were searched by the police party and 4-4 kg Ganja

was seized from each of the applicants. The present applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Durg 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 further submits that co-accused Vijay Kumar Sahare has already been released on bail vide order dated 07/08/2018 passed in MCRC No. 5027/2018. The applicant is a juvenile, he is in custody since 09/03/2018 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 submitted the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the applicant is in observation home since 09/03/2018, he is juvenile, he has no known criminal antecedent, co-accused Vijay Kumar Sahare has already been released on bail vide order dated 07/08/2018 passed in MCRC No. 5027/2018 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, I am inclined to allow this revision and release him on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 10/07/2018 is set-aside. It is directed that the applicant shall be released on bail on his furnishing a bail bond of Rs. 25,000/- with one local surety of the like sum 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