

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 913 of 2018**

Yogesh Kumar Gandharv S/o Kashiram Gandharv, aged about 15 years, R/o Ashok Nagar, Bilaspur, P.S.- Sarkanda, District- Bilaspur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through District- Magistrate, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate
For Respondent	:	Mr. Sangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**05/10/2018**

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 30/07/2018 passed by the Additional Sessions Judge, Bilaspur (C.G.) in Criminal Appeal No. 152/2018, whereby, the Additional Sessions Judge has rejected the appeal arising out of the order dated 05/07/2018 dismissing his bail application passed in Crime No. 191/2018, Police Station- Sarkanda by the Juvenile Justice Board, Bilaspur (C.G.).
2. As per prosecution story, on 29/03/2018, complainant- Vikash Choubey received an information from Ashutosh Tiwari on phone that some persons are beating his brother, Subhash Choubey near Ashok Nagar, Sarkanda. He immediately reached to the spot with Jaswant

Diksena. It is alleged that Gopu Tiwari and Rajeshwar informed him that the present applicant along with co-accused abused Subhash and threatened to kill him. They also assaulted Subhash with an intention to kill him by baseball, iron road and other weapons. Gopu Tiwari and Rajeshwar were also assaulted. A report was made by Vikash Choubey. On the basis of said report, offence under Sections 147, 148, 149, 294, 506, 324 and 307 of the IPC was registered against the present applicant and other co-accused persons. During course of investigation, the applicant has been arrested on 30/03/2018. He 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 the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant is a juvenile, he is in custody since 30/03/2018 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 30/03/2018 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, I am inclined to allow this revision and release him on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 30/07/2018 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