

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1015 of 2018**

1. Shekh Ashfak S/o Shekh Farukh, aged about 17 years,
2. Abdul Wahid @ Sohel, S/o Late Abdul Wahid @ Sohel, S/o Late Abdul Wahab, aged about 17 years.

Both R/o Talab Par Rajbandha Maindan, Moudhapara, Distt. Raipur (C.G.).

Both of them are represented through their Guardian/ Paternal Aunt, Smt. Sultana Begam W/o Firoz Khan, aged about 45 years, Talabpara, Rajbandha, Maidan, Moudhapara, Raipur Distt. Raipur (C.G.).

---- Applicants

Versus

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

---- Respondent

For Applicants	:	Mr. Kishore Narayan, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/10/2018

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 24/08/2018 passed by the Children Court/9th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 243/2018, by which the Additional Sessions Judge has rejected the appeal arising out of the order dated 08/08/2018 dismissing their bail application passed in Crime No. 24/2018, police station- Golbazaar, Raipur by the Juvenile Justice Board, Raipur.

2. As per prosecution story, on 17/07/2018 on the basis of information received from the informant, the police party searched both the applicants and seized 8.640 bulk liters of foreign made liquor from their possession. They filed an application under Section 12 of the Act, 2015, 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 applicants submits that the applicants have been falsely implicated in the present case. The applicants are juvenile, they are in custody since 17/07/2018, charge-sheet has been filed and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they 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. Considering the nature of allegation, facts of the case and the fact that the Applicants are in observation home since 17/07/2018, charge-sheet has already been filed and social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow this revision and release the Applicants on bail.
7. Consequently, the revision is allowed and the impugned judgment

dated 24/08/2018 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two sureties each of Rs. 20,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul