

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1005 of 2017**

1. Satish Uike S/o Narad Uike, aged about 16 years,
 2. Takesh S/o Punit Uike, aged about 17 years
- Both R/o Village- Jalso, P.S.- Tilda Nevra, Distt. Raipur (C.G.)

---- Applicants**Versus**

State of Chhattisgarh Through District Magistrate, Raipur Distt.- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**22/02/2018**

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 order dated 27/09/2017 passed by the 7th Additional Sessions Judge, Raipur, Distt. Raipur (C.G.) in Criminal Appeal No. 248/2017, by which the 7th Additional Sessions Judge has rejected the appeal arising out of the order dated 30/08/2017 dismissing the bail application passed in Criminal Case No. 233/2017 by the Juvenile Justice Board, Mana Camp, Raipur.
2. Brief facts of the case are that complainant Jamuna Bai had lodged a report with the allegations that on 07/04/2017 at about 8:30 pm, she along with her husband was taking meal together in her courtyard and

saw that as many as number of boys including the present applicants were taking some drugs and were abusing each other. Her husband had given advise to them not to abuse so they started quarrel with her husband. She then rushed to the spot with her elder mother-in-law. It is alleged that both the applicants/juveniles and other accused persons assaulted Rambabu, husband of the complainant. He sustained injuries on his vital part and during treatment, he died. Offence was registered and the applicants were arrested on 10/04/2017. After investigation, a charge-sheet under Sections 302, 147, 148 & 149 of IPC was filed before the Juvenile Justice Board, Mana Camp, Raipur. The present applicants filed an application under Section 12 for grant of bail before the Juvenile Justice Board, Raipur which was rejected by the said board. Against the said rejection, an appeal was filed before the Appellate Court, which was also dismissed vide judgment dated 27/09/2017. Hence this revision.

3. Learned counsel appearing on behalf of the applicants submits that the applicants are juvenile and they are in custody since 10/04/2017. It is further submitted that the charge-sheet has already 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 his 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.
5. I have heard Learned Counsel appearing for the parties and perused

the social investigation report and other material available on record.

6. Before drawing any conclusion regarding correctness or otherwise of the orders impugned, glance of the relevant provisions such as Sections 12 & 13 of the Act, 2015 becomes necessitous, which are reproduced as follows:-

“12. Bail to a person who is apparently a child alleged to be in conflict with law.-- (1) When any person, who is apparently a child and is alleged to have committed a bailable or non-bailable offence, is apprehended or detained by the police or appears or brought before a Board, such person shall, notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) or in any other law for the time being in force, be released on bail with or without surety or placed under the supervision of a probation officer or under the care of any fit person:

Provided that such person shall not be so released if there appears reasonable grounds for believing that the release is likely to bring that person into association with any known criminal or expose the said person to moral, physical or psychological danger of the person's release would defeat the ends of justice, and the Board shall record the reason for denying the bail and circumstances that led to such a decision.

(2) When such person having been apprehended is not released on bail under sub-section (1) by the officer-in-charge of the police station, such officer shall cause the person to be kept only in an observation home in such manner as may be prescribed until the person can be brought before a Board.

(3) When such person is not released on bail under sub-section (1) by the Board, it shall make an order sending him to an observation home or a place of safety, as the case may be, for such period during the pendency of the inquiry regarding the person, as may be specified in the order.

(4) When a child in conflict with law is unable to fulfill the conditions of bail order within seven days of the bail order, such child shall be produced before the Board for modification of the conditions of bail.

13. Information to parents, guardian or

probation officer.-- (1) *Where a child alleged to be in conflict with law is apprehended, the officer designated as Child Welfare Police Officer of the police station, or the special juvenile police unit to which such child is brought, shall, as soon as possible after apprehending the child, inform--*

(i) *the parent or guardian of such child, if they can be found, an direct them to be present at the Board before which the child is produced; and*

(ii) *the probation officer, or if no probation officer is available, a Child Welfare Officer, for preparation and submission within to weeks to the Board, a social investigation report containing information regarding the antecedents and family background of the child and other material circumstances likely to be of assistance to the Board for making the inquiry.*

(2) *Where a child is released on bail, the probation officer or the Child Welfare Officer shall be informed by the Board."*

7. In the case in hand, the report of Probation Officer does not suggest that released of the applicants would expose them to moral, psychological and physical danger. The report also does not suggest that on release of the applicants, there is likelihood of bringing them in association with any known criminal and their release would defeat the ends of justice.
8. Considering the nature of allegation, facts of the case and the fact that the applicants are in custody since 10/04/2017, the charge-sheet has already been filed and there is no known criminal antecedent of the applicants, I am inclined to allow this revision and release the applicants on bail.
9. Consequently, the revision is allowed and the impugned judgment dated 27/09/2017 is set-aside. It is directed that the applicants shall be released on bail on furnishing two sureties each of Rs. 25,000/- by each of them 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