

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.1052 of 2017**

Pawan Kumar Mandal, S/o Sulekha, aged 17 years, R/o village- Hilwa Devalwadi, Police Station and Tahsil Narayanpur, District Jaamtada (Jharkhand) through his father Shri Sulekha Mandal S/o Bhuvneshwar Mandal, aged about 47 years, R/o Village- Siluwa, Post Dewalwadi, PS Narayanpur, District- Jaamtada (Jharkhand), Civil & Revenue District Jaamtada, Jharkhand.

---- Applicant**Versus**

State of Chhattisgarh through the Police Station Komakhan, District Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Shailendra Dubey, Advocate
For Respondent	:	Mr. Rajkumar Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**23/01/2018**

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act of 2015) against the judgment dated 21/09/2017 passed by the Additional Sessions Judge, FTC, Mahasamund in Criminal Appeal No. H-44/2017, whereby, the appeal preferred by the juvenile/applicant against the order dated 30/08/2017 dismissing his bail application passed by the Juvenile Justice Board under the Act of 2015 has been dismissed.

2. Brief facts of the case are that the applicant along with other co-accused, first obtained details of ATM & Aadhar Card of many persons and thereafter withdrew some amounts from their accounts. Crime No. 18/2017 under Sections 420, 467, 468, 471, 120-B of IPC & 66 (6) and 66 (D) of the Information Technology Act. The applicant has been arrested in connection with the aforesaid crime. He moved an application under Section 12 of the Act of 2015 before the Juvenile Justice Board, which was rejected vide order dated 30/08/2017.
3. Being aggrieved by the said rejection order, an appeal was preferred. The Appellate Court, as stated in paragraph 1 of this order, dismissed the appeal and declined to grant bail to the juvenile. Hence this revision.
4. Learned counsel appearing on behalf of the applicant submits that the applicant is in observation home since 14/03/2017 i.e. for about 10 months. He is a minor and he may be allowed to join the main stream of the society as it is his first offence. He prays that the instant revision may be allowed and the applicant may be enlarged on bail.
5. Learned Counsel appearing for the State opposes the prayer for grant of bail.
6. I have heard Learned Counsel appearing for the parties and perused the case diary and the documents placed on record with due care.
7. A bare perusal of the case diary and the documents placed on record reveals that a report (Annexure-R-1) was submitted by the Probation Officer before the Juvenile Justice Board stating therein that the

applicant is in observation home for about 9 months and there is no known criminal antecedent of the applicant. The report further suggests that there is likelihood of bringing him in association with any known criminal, if he is kept in observation home for a long period.

8. Considering the facts and circumstances of the case, particularly, the fact that the applicant is in observation for about 10 months, I am inclined to release him on bail.
9. Consequently, the revision is allowed and the impugned judgment is set-aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs. 50,000/- 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