

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1100 of 2018**

Sheikh Asraf, aged about 17 years, S/o Sheikh Asgar, Thorough : Natural Guardian father Sheikh Asgar S/o Sheikh Gulam, aged about 40 years, R/o Rotary Nagar, Heerapur, District- Raipur (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through : the District Magistrate, Raipur (C.G.).

---- Respondent

For Applicant	:	Ms. Sunita Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

12/11/2018

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 20/09/2018 passed by the 9th Additional Sessions Judge/Juvenile Court, Raipur (C.G.) in Criminal Appeal No. 1267/2018, by which the Additional Sessions Judge has rejected the appeal arising out of order dated 29/08/2018 dismissing his bail application passed in Crime No. 303/2018, Police Station Amanaka by the Juvenile Justice Board, Raipur.
2. As per prosecution story, one Asha Ram Lahare made a report against the present applicant along with other co-accused persons alleging therein that the applicant and co-accused persons had taken total Rs.

79000/- from 6-7 persons for providing them job, but in failure of doing the same, they did not return the money. On the basis of said report, offence has been registered and the applicant has been arrested on 25/07/2018. He 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 applicant submits that the applicant has been falsely implicated in the present case. The applicant is juvenile, he is in custody since 25/07/2018 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 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 Applicant is in observation home since 25/07/2018 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 the Applicant on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 20/09/2018 is set-aside. It is directed that the Applicant shall be

released on bail on his furnishing two sureties each of Rs. 20,000/- 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

Rahul