

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1124 of 2017**

Abhishek tirki S/o Prafulla Tirki, Aged about 15 years, R/o Banjari Nagar, Khamtarai, Police Station- Khamtarai, District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through Police Station – Pithora.

---- Respondent

For Applicant	:	Mr. P.L. Swarnkar, Advocate
For Respondent	:	Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/04/2018

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 20/09/2017 passed by the Additional Sessions Judge (FTC), Mahasamund Chhattisgarh in Criminal Appeal No. H-43/2017, by which the Additional Sessions Judge has rejected the appeal arising out of the order dated 06/09/2017 dismissing his bail application passed in Criminal Case No. 136/2017 by the Juvenile Justice Board, Pithora.
2. Brief facts of the case are that the applicant along with co-accused was carrying 13.1 Kg cannabis on the motor-cycle, which was seized from the possession of the applicant. The applicant 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 is a juvenile and he is in custody since 09/04/2017. It is further submitted that the charge-sheet has already been filed and 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. In the case in hand, the report of Probation Officer does not suggest that released of the Applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on release of the Applicant, there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.
7. Considering the nature of allegation, facts of the case and the fact that the Applicant is in custody since 09/04/2017 and the charge-sheet has already been filed, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 20/09/2017 is set-aside. It is directed that the Applicant shall be

released on bail on 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