

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1136 of 2017**

1. Basant Lal S/o Natural Guardian Gayaram Gond, aged about 17 years,
2. Jitendra Singh S/o Natural Guardian Bhajju Ram Singh, aged about 17 years,

Both R/o Village-Navapara (Badkapara), Narola, P/o- Govindpur, Thana-Ramkola, Tahsil-Odgi, Distt. - Surajpur (C.G.).

--- Applicants**Versus**

State of Chhattisgarh, Through: the Station House Officer, Police Station, Chandoura, Distt.- Surajpur (C.G.).

---- Respondent

For Applicant	:	Mr. Neeraj Pradhan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**24/07/2018**

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 28/09/2017 passed by the 1st Additional Sessions Judge, Surajpur in Criminal Appeal No. 41/2017, by which the Sessions Judge has rejected the appeal arising out of the order dated 20/09/2017 dismissing his bail application passed in Criminal Case No. 60/2017, registered by the Juvenile Justice Board, Surajpur.
2. As per prosecution story on 29/05/2017 at about 11 pm, deceased-

Bhaddu Sahu was returning from a marriage ceremony, it is alleged that both the applicants along with co-accused Devprasad obstructed the deceased and abused him. Thereafter, they assaulted the deceased by hands and legs. The deceased sustained internal injuries and fall down on the earth. He lay down on the earth for whole night. On the next day, the deceased was taken to hospital, where he died. The matter was reported. Both the applicants were arrested on 04/07/2017. The applicants filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Surajpur 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 are innocent and have been falsely implicated in the present case. He further submits that no grievous injury was found on the vital part of the body of the deceased therefore, no offence under Section 302 is made out against the applicants. He further submits that the applicants are juveniles aged about 17 years, they are in custody since 04/07/2017 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. 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. 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 their release, there is likelihood of bringing them in association with any known criminal and their release would defeat the ends of justice.
7. Considering the nature of allegation, facts of the case and the fact that the applicants are in observation home since 04/07/2017 and charge-sheet has been filed, I am inclined to allow this revision and release them on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 28/09/2017 is set-aside. It is directed that the applicants shall be released on bail on each of them furnishing two sureties each of Rs. 25,000/- 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