

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 65 of 2019**

Bharat Kashyap S/o Dilchand Kashyap, aged about 17 years, through its natural guardian Smt. Anusuiya W/o Dilchand, aged 34 years R/o Village Karra, Police Station Masturi, District Bilaspur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through Police Station Masturi, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****14/03/2019**

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 judgment dated 31/12/2018 passed in Criminal Appeal No. 305/2018 by the Additional Sessions Judge (FTC) Bilaspur, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 06/12/2018 dismissing his bail application passed in Crime No. 587/2018, Police Station Masturi by the Juvenile Justice Board, Bilaspur.
2. In this case, there are total four accused persons. It is alleged that on 22/11/2018 at about 10:00 pm, the Applicant along with other co-accused persons have assaulted Complainant- Guddu @ Suresh Rathore by a hoe and club. They also abused him. The Complainant sustained grievous injuries. A report has been lodged by Dev Prashad on 24/11/2018. On the basis of said report, the Applicant has been arrested on 25/11/2018. He

filed an application under Section 12 of the Act, 2015 for grant of bail, 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. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 25/11/2018 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 25/11/2018 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, I am inclined to allow this revision and release the Applicant on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 31/12/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local 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**

Rahul