

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 40 of 2019**

Kayam Ali (Juvenile) S/o Shri Sheikh Kauser Ali, aged about 16 years through his legal/natural guardian Father Shri Sheikh Kauser Ali, S/o Sheikh Nazruddin Ali, aged about 40 years R/o Near Bombay Bakery, House Of Naim Ansari, Birgaon, Post Officer Raipur, Police Station Urla, District Raipur (C.G.).

----Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

26/02/2019

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 11/12/2018 passed in Criminal Appeal No. 410/2018 by the Juvenile Court/Ninth Additional Sessions Judge, Raipur, whereby the Ninth Sessions Judge has rejected the appeal arising out of order dated 30/11/2018 dismissing his bail application passed in Criminal Case No. 397/2018 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, Complainant Santosh Gupta made a report against unknown persons alleging therein that some unknown persons came to him by the motor-cycle and demanded money for consuming liquor. He denied the same, then the co-accused persons assaulted him by knife and fists. They also committed loot of his mobile phone and ran

away from the spot. On the basis of said report, offence has been registered against unknown persons. During course of investigation, the Applicant has been arrested on 06/08/2018. 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 16 years who is in custody since 06/08/2018 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 06/08/2018 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

11/12/2018 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