

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 63 of 2019**

Satish Kumar Dewangan S/o Ramesh Dewangan, aged about 17 years and 6 months R/o Village Katgi, Police Station Kasdol, District Balodabazar, Bhatapra (C.G.)

Through its natural guardian Ramesh Kumar Dewangan S/o Muturam, aged about 48 years R/o Village Katgi, Police Station Kasdol, District Balodabazar Bhatapra (C.G.).

----Applicant**Versus**

State of Chhattisgarh Through District magistrate Balodabazar District Balodabazar Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****06/02/2019**

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 the judgment dated 03/01/2019 passed by the First Additional Sessions Judge, Balodabazar in Criminal Appeal No. 145/2018, whereby the First Additional Sessions Judge has rejected the appeal arising out of order dated 12/12/2018 dismissing his bail application passed in Crime No. 496/2018, Police Station Kasdol by the Juvenile Justice Board, Balodabazaar.
2. As per prosecution story, on 24/09/2018 at about 6:50 pm, due to some previous dispute, the Applicant along with other accused persons assaulted

one Ganesh by Danda, due to which he sustained injuries on his head and other parts of the body. A report was made by the Complainant. Offence has been registered. The Applicant has been arrested on 05/12/2018. 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 no offence under Section 307 of the IPC is made out against him. The Applicant is juvenile aged about 17 years, he has no criminal antecedent 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 05/12/2018 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 03/01/2019 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