

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 97 of 2019**

Yashwant Nishad @ Ashwant, Aged about 17 years S/o Shri Gendram Nishad,
R/o Shiv Nagar, Math Puraina, P.S. Tikrapara, District Raipur (C.G.)

----Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****07/03/2019**

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 07/01/2019 passed in Criminal Appeal No. 13/2019 by the Juvenile Court/Ninth Additional Sessions Judge, Raipur, whereby the Ninth Additional Sessions Judge has rejected the appeal arising out of order dated 21/12/2018 dismissing his bail application passed in Criminal Case No. 568/2018 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on 24/09/2018 Complainant Rukhmani Sahu lodged a report alleging therein that on 23/09/2018 at about 10:30 pm, when she along with her father was sitting in front of their house, the Applicant came there and demanded liquor. On denial, the Applicant abused them and assaulted her father with knife on his navel. On the basis of said report, offence has been registered and the Applicant has

been taken into custody on 24/09/2018. 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 24/09/2018 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 24/09/2018 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 07/01/2019 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