

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 171 of 2019**

Onkar @ Chhotu @ Sem Sahu (Juvenile) S/o Vijay Sahu, aged about 17 years through his legal/natural guardian father Vijay Sahu S/o Ajar Sahu, aged about 46 years R/o. Near Lakhe Nagar, Behind Kanji House, Raipur, Post Office Raipur, Police Station Purani Basti, Raipur Tahsil & 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. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****15/03/2019**

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 08/01/2019 passed in Criminal Appeal No. 16/2019 by the Juvenile Court/ Special Judge (Under the Protection of Children from Sexual Offences) Act, 2012, whereby the Special Judge has rejected the appeal arising out of order dated 22/12/2018 dismissing his bail application passed in Criminal Case No. 11/2019 by the Juvenile Justice Board, Mana Camp, Raipur.
2. As per prosecution story, on 24/04/2018 at about 12:30 pm, Complainant- Prajjuwal Dubey was talking in front of his house. It is alleged that the Applicant assaulted him by knife. The Complainant sustained grievous injuries on his left hand and back. The Applicant also abused him in filthy

language and threatened him by knife. A report was made by the Complainant and offence has been registered. The Applicant has been taken into custody on 08/12/2018. 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 the Applicant is juvenile aged about 17 years who is in custody since 08/12/2018 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 08/12/2018 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 08/01/2019 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