

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 197 of 2019**

1. Aman Patel S/o Shri Narendra Patel Aged About 17 Years Minor Through Natural Guardian Father Shri Narendra Patel S/o Late Shri Monrakhan Patel , Aged About 43 years R/o Near Danteshwari Mandir Dabripara Kushalpur Thana Purani Basti District Raipur Chhattisgarh (Wrongly Mentioned Baghel In Rejection Order)
2. Ritik Patel S/o Shri Nandu Patel Aged About 17 Years Minor Through Natural Guardian Mother Smt. Rajkumari Patel W/o Shri Nandu Patel Aged About 39 years R/o BSUP Colony Block Number 6, House no. 4 Thana Telibandha District Raipur Chhattisgarh.

---- Applicants**Versus**

- State Of Chhattisgarh Through The District Magistrate Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sunil Sahu, Advocate.
For Respondent/State	:	Mr. DP Singh, Dy. AG.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****01/03/2019**

1. This revision has been preferred by the applicants against the order dated 14.12.2018 passed in Criminal Appeal No. 417/2018, passed by Juvenile Court, 9th Additional Sessions Judge, Raipur, arising out of order dated 05.12.2018 passed by Juvenile Justice Board, Raipur, passed in crime number 307/2018, police station Purani Basti, Raipur for the alleged offence under Section 294, 506-B, 323, 326/34 of the

IPC and Section 25 & 27 of the Arms Act.

2. As per prosecution story, complainant Pritam Das Manikpuri lodged a report on 08.11.2018 with the averment that on the date of incident there was a religious procession of Gaura Gauri Festival was going through the village on which Tikamdas was playing mouth organ, the applicants were also present on the spot. Allegedly, over some old dispute, the applicants abused Tikamdas and also beaten him with hand-fist and with some sharp object, due to this, he sustained one grievous injury. On the basis said, offence has been registered against the applicants and they have been taken in custody. Since, the applicants are juvenile, therefore, application for bail has been preferred before the learned Chief Magistrate, Juvenile Justice Board and the same was rejected vide order dated 05.12.2018, thereafter an appeal was also preferred by the applicants before the Juvenile Court, 9th Additional Sessions Judge, Raipur and the same was also rejected vide order dated 14.12.2018.
3. Learned counsel appearing on behalf of the applicants submits that the applicants have been falsely implicated in the present case due to some previous enmity. He further submits that both the applicants are juvenile and they are in custody since 16/11/2018, charge-sheet has been filed and there is no previous criminal record available against them. He further submits that the social investigation report also does not suggest that on their release, they will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, they 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 Applicants are in observation home since 16/11/2018, charge-sheet has already been filed and the social investigation report does not suggest that on their release, they 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 Applicants on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 14/12/2018 is set-aside. It is directed that the Applicants shall be released on bail on their furnishing two sureties each of Rs. 20,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-

(Arvind Singh Chandel)
Judge