

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 242 of 2019**

Sameer Sharma (Juvenile) S/o Shri Satish Sharma, aged about 17 years through his legal/natural guardian mother Smt. Manisha Sharma W/o Shri Satish Sharma, aged about 43 years R/o Samta Colony, Near Garba Maidan, Post Office Raipur, Police Station Azad Chowk, 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, Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

02/04/2019

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 05/01/2019 passed in Criminal Appeal No. 15/2019 by the Juvenile Court/Special Judge (Under the POSCO Act)/Ninth Additional Sessions Judge, Raipur, District Raipur, whereby the Ninth Additional Sessions Judge has rejected the appeal arising out of order dated 22/12/2018 dismissing his bail application passed in Crime No. 386/2018, P.S. D.D. Nagar, Raipur by the Juvenile Justice Board, Raipur
2. As per prosecution story that on 09/12/2018 Complainant Pratap Chandrakar lodged a report alleging therein that he along with his friend namely Tusharnath, Bhakku and Dilip were sitting below an electricity poll near Mahadev Shanighat Mandir. It is alleged that at that time accused

Arun along with the Applicant and other accused persons came there and accused Arun fired a pistol shot on him and Tushar, due to which they sustained injuries. The Applicant along with accused persons fled away from the spot. Offence was registered. The Applicant has been arrested on 09/12/2018. 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 09/12/2018 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 09/12/2018 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

05/01/2019 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