

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 268 of 2019**

Ritik Mulchandani (Juvenile) S/o Shri Soni Mulchandani, aged about 17 years, through his legal/natural guardian Father Shri Soni Mulchandani, S/o Shri Narayandas Mulchandani, aged about 50 years R/o Gulab Nagar/Shivanand Nagar, Behind Chikuti, Mandir, Gudhiyari, Post Office & Police Station Gudhiyari, Raipur, 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****17/06/2019**

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 01/02/2019 passed in Criminal Appeal No. 74/2019 by the Juvenile Court/9th Additional Sessions Judge, Raipur, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 15/01/2019 dismissing his bail application passed in Crime No. 390/2018, P.S. Gudhiyari, Raipur by the Juvenile Justice Board, Raipur.
2. In this case there are total eight accused persons. Out of them, three are juveniles. The name of Deceased is Krishna Nepali. As per prosecution story, friend of the Deceased namely Sonu Meshram lodged a report on 21/12/2018 alleging therein that he was smoking near Krishna Provision

Store. Other persons namely Avinash Koshley and Golu were also standing there. When the Deceased reached near the said store, some unknown persons, lashed with knife, bat and wooden stick, assaulted him, due to which the Deceased fell down. He was taken to the hospital, where he died. On the basis of said report, offence has been registered. The allegation against the Applicant is that he also assaulted the Deceased with hands and fists. The Applicant has been taken into custody on 23/12/2018. 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 in the heat of a sudden quarrel, the Applicant assaulted the Deceased by hands and fists. There was no intention of the present Applicant to kill the Deceased. The main accused is Kishan Chandel who stabbed the Deceased by a knife. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 23/12/2018 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 23/12/2018 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 01/02/2019 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