

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 314 of 2019**

Ayush Sharma S/o Naresh Sharma, aged about 17 years through natural guardian (father) Cheetan Sharma S/o Satyanarayan Sharma, aged about 32 years R/o Village Lakhagarh, P.S. & Tehsil Pithora District Mahasamund (C.G.).

----Applicant**Versus**

State of Chhattisgarh, through District Magistrate Mahasamund, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10/05/2019**

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 21/02/2019 passed in Criminal Appeal No. 16/2019 by the Juvenile Court/Additional Sessions Judge (FTC), Mahasamund, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 20/02/2019 dismissing his bail application passed in Crime No. 24/2019, P.S. Pithora by the Juvenile Justice Board, Mahasamund.
2. As per prosecution story, on 26/11/2018 Deceased Himanshi Yadav, by pouring kerosene on herself, set herself on fire and committed suicide. It is alleged that the Applicant used to trouble her on the way, due to this reason she committed suicide. Offence under Section 306 of the Indian Penal Code has been registered against the Applicant. The Applicant has

been arrested on 07/02/2019. 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 07/02/2019 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 17/02/2019 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 21/02/2019 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**

Rahul