

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 375 of 2019**

Khilendra @ Anshu S/o Murali Manohar Sahu, aged about 16 years, Minor through Guardian- father Murali Manohar Sahu S/o Mangatu Ram Sahu, aged about 36 years R/o Village- Khurdur, Police Station Kota, District Bilaspur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Station House Officer, Police Station Kota, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Dharmesh Shrivastava, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****13/05/2019**

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 28/02/2019 passed in Criminal Appeal No. 54/2019 by the Additional Sessions Judge (FTC), Bilaspur, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 19/01/2019 dismissing his bail application passed in Criminal Case No. 434/2018 by the Juvenile Justice Board, Bilaspur
2. In this case there are total four accused persons. As per prosecution story on 22/09/2018 at about 5-6 am, dead body of Deceased Baliram was found near railway barrier. It is alleged that the murder of the Deceased has been committed by co-accused Vinod with the help of other co-accused. The allegation against the Applicant is that he, just before the incident, had

informed the main accused- Vinod regarding movement of the Deceased and thereafter Vinod committed murder of Baliram. Merg has been registered and after investigation offence has been registered. The Applicant has been arrested on 23/09/2018. 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 23/09/2018 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 23/09/2018 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 28/02/2019 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