

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 474 of 2019**

Omprakash Sen @ Paka, aged about 16 years, S/o Rajkumar Sen, R/o Ishwar Nagar, Dawada Colony, Nahar Para, P.S. Tikrapara, District Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through: the District Magistrate, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Keshav Prasad Gupta, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/05/2019

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 14/03/2019 passed in Criminal Appeal No. 153/2019 by the 9th Additional Sessions Judge (FTC), Bilaspur, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 01/03/2019 dismissing his bail application passed in Crime No. 434/2018, P.S. Civil Line, Raipur by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on the date of incident the Applicant along with other co-accused persons has looted Rs. 35000/- and other documents like ATM Card, Cheque book etc, from the complainant. On the basis of this background, offence has been registered and the Applicant has been arrested on 18/02/2019. 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 16 years who is in custody since 18/02/2019 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 18/02/2019 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 14/03/2019 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