

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 511 of 2019**

1. Chetan Jagat, Aged About 16 Years, S/o Shri Kishore Jagat, Through Natural Guardian Father - Kishore Jagat, S/o Late Madhuwa, Aged About 40 Years,
 2. Nukesh Jagat, Aged About 17 Years, S/o Shri Yudhisthir, Through Natural Guardian, Father - Yudhisthir, Aged About 52 Years, S/o Shri Ghumadia,
- Both are R/o Arjun Nagar, Near Ghadi Chowk, Raipur,
District : Raipur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The District Magistrate, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Shri Pushpendra Kumar Patel, Adv.
For Respondent/State: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

19/08/2019

1. The present revision has been preferred under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015') against the order dated 13.02.2019 passed in Criminal Appeal No. 99/2019 by the Ninth Additional Sessions Judge, Raipur (C.G.), whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 19.01.2019 passed in Criminal Case No. 524/2018 dismissing the bail

application of the applicants by the Juvenile Justice Board, Raipur, C.G.

2. As per the case of prosecution, the Complainant lodged a report stating therein that on 10.09.2018, at about 11.30 p.m. she received a call from the deceased Shaukat Ali, that due to previous enmity the applicants entered into the house of the deceased, started abusing him in filthy language, threat him of his life and assaulted him with iron rod in his head and hand. When complainant reached at the incident spot, he found deceased lying in blood bath with several injuries in his body. Thereafter, the deceased was taken to the hospital and during treatment, he died. Based on this, FIR has been registered against the Applicants. The applicants have been arrested on 11.09.2018. They filed an application under Section 12 of the Act, 2015, for granting bail, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.
3. Learned counsel for the applicants submits that in the present case, the Juvenile Justice Board as well as the Appellate Court have completely ignored to consider the statutory scheme of Section 12 of the Act of 2015 which itself is *pari materia* of Section 12 of the Act of 2000

while considering the application for grant of bail under Section 12 of the Act of 2015. He further submits that the applicants have been falsely implicated in the present case. He further submits that orders passed by both the Courts below are improper and contrary to the law. In view of provision contained in Section 12 of the Juvenile Justice Act, the applicants deserves to be released on bail. The applicants are in custody since 11.09.2018.

4. Counsel for the State submits that the order passed by two Courts below being fully justified and in accordance with the provisions of Section 12 of the Act does not warrant any interference and the instant revision deserves to be set aside.
5. I have heard learned counsel both the parties and perused the material available on record.
6. On perusal of the record, I do not find any reasonable ground having been brought before the Juvenile Justice Board or the Police Authorities in respect of the so called threat of the juvenile getting exposed to moral, physical or psychological danger or come in the company of known criminal.
7. In view of above consideration, the impugned order dated 13.02.2019 could not be sustained and is

therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicants shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-,(to each) by their parents or guardians, as the case may be, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge