

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 528 of 2019**

1. Yash Kumar Dhruva S/o Ashok Kumar Dhruva Aged About 17 Years (Juvenile), Through Natural Guardian Father Shri Ashok Kumar Dhruva, R/o Behind Samparna Hospital, Mova, District- Raipur (C.G.).
2. Nakli @ Pramod Mahanand S/o Anil @ Vaishnava Mahanand Aged About 17 Years (Juvenile), Through Natural Guardian Father Anil @ Vaishnava Mahanand, R/o Bazar Chouck, Axis Bank Gali, Mova, District- (C.G.).

---- **Applicants**
(In Jail)

Versus

1. State Of Chhattisgarh Through The In- Charge, Police Station- Pandri, Mova, District- Raipur (C.G.).

---- **Respondents**

For Applicant	: Shri Devershi Thakur, Advocate.
For Respondent N	: Shri Sudeep Verma, Govt. Advocate.

Hon'ble Smt. Rajani Dubey, Judge

Judgment On Board**27/05/2019**

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 order dated 02/04/2019 passed in criminal appeal No. 186/2019 by the Ninth Additional Sessions Judge (Children's Court), whereby the Principal Judge (Juvenile Justice Board) has dismissed the appeal arising out of order dated 02/02/2019 rejecting his bail application passed in Crime No. 31/2019, P.S. Pandri by the Juvenile Justice Board, Raipur (C.G.).
2. As per prosecution case complainant Siddharth Lehre lodged a

report on Police Station Pandri Mowa that prior to the date of accident the so called sister of friend of applicant No. 1 had gone to Shanti Niketan School for attending the annual function and did not return on time. Thereafter, applicant No. 1 went in research of her to Mowa and in the afternoon Siddharth and Sanjay brought her from School and drop at her house. On account of this incident there was a dispute with applicant No. 1 and therefore, the applicants and other accused persons assaulted the complainant Siddharth Lehre with knife. On report being made crime under section 307, 34 of I.P.C. was registered against the applicants. The applicants have been arrested on 25/01/2019. They filed an application under section 12 of the Act' 2015 which has been rejected vide order dated 25/03/2019. Against the such rejection, an appeal was preferred by them which was also dismissed by impugned order. 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 are in custody since 25/01/2019 and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they 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 order.
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 25/01/2019 and social investigation report does not suggest that on their release, they 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 order dated 02/04/2019 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

-Sd/-
(Rajani Dubey)
Vacation, Judge

Chandrakant