

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 572 of 2019**

Vijay Nishad (Juvenile), S/o Late Jiyalal Nishad, aged about 17 years through his legal/natural guardian mother Smt. Radha Nishad W/o Shri Late Jiyalal Nishad, aged about 45 years R/o Near Sarkari Kuan, Moulipara, Telibandha, Post Office Raipur, Police Station Telibandha, Raipur, District Raipur (C.G.)

----Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mrs. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17/05/2019**

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 11/04/2019 passed in Criminal Appeal No. 196/2019 by the Juvenile Court/Special Judge (under POCSO Act)/ 9th Additional Sessions Judge, District Raipur whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 03/04/2019 dismissing his bail application passed in Criminal Case No. 117/2019 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on 14/02/2019 Complainant Mantram Dhruw (Head Constable in Traffic Police) lodged a report stating therein that on the said date he was discharging his duty at turning point of Telibandha Avanti Vihar. The Applicant along with two other persons was coming on

his Airta vehicle and when he told them to not to sit tripling on the vehicle, then the Applicant assaulted him by hands and fists. On the basis of said, offence has been registered. The Applicant has been arrested on 15/02/2019. 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 15/02/2019 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 15/02/2019 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

11/04/2019 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