

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 436 of 2019**

Yogesh Kumar Rajwade S/o Shri Jagmohan Rajwade, Aged about 17 years, R/o Village Kapsara, Police Station Bhatgaon, District Surajpur (C.G.) Through Natural Guardian Mother Smt. Suhano W/o Shri Jagmohan Rajwade, Aged about 46 years R/o Village Kapsara, Police Station Bhatgaoh, District Surajpur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Odagi, District Surajpur (C.G.)

---- Respondent**AND****Criminal Revision No. 825 of 2019**

Rajesh Rajwade S/o Shri Parmeshwar Rajwade, Aged about 17 years Minor through her mother Smt. Kaushilya W/o Shri Parmeshwar Rajwade, Aged about 57 years, R/o Village Baroudhi, Police Station Bhatgaon, Tahsil Bhailyathan, District Surajpur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Odagi, District Surajpur (C.G.)

---- Respondent

For Applicants	:	Mr. Rishi Rahul Soni, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****11/11/2019**

1. Since both the revisions arise out of same crime No. 42/2017 registered at Police station Odagi, therefore, these are being disposed of by this common order.

2. Criminal revision No. 436/2019 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 13/10/2017 passed in Criminal Appeal No. 44/2017 by the First Additional Sessions Judge, Surajpur whereby the First Additional Sessions Judge has rejected the appeal arising out of order dated 04/10/2017 dismissing his bail application passed in Criminal Case No. 74/2017 by the Juvenile Justice Board, Surajpur. Earlier, the Applicant had also preferred a criminal revision before this Court, which was dismissed as withdrawn with liberty to file afresh after two months vide order dated 10/05/2018 passed in CRR No. 1004/2017.
3. Criminal revision No. 825/2019 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 05/01/2019 passed in Criminal Appeal No. 48/2018 by the First Additional Sessions Judge, Surajpur whereby the First Additional Sessions Judge has rejected the appeal arising out of order dated 28/11/2018 dismissing his bail application passed in Criminal Case No. 74/2017 by the Juvenile Justice Board, Surajpur. Earlier, the Applicant had also preferred a criminal revision before this Court, which was dismissed on merit vide order dated 03/08/2018 passed in CRR No. 1041/2017.
4. As per prosecution story on 13/07/2017, one- Purshottam intimated the police of Police Station, Odgi that near Kosa Badi Nursery, a dead body was found in the pit and maggots had found in the body. On the basis of said information, merg intimation was recorded. It was found that the dead body was of Jugeshwar Rajwade husband of co-accused- Sarita Rajwade.

It is also alleged that co-accused, Sarita Rajwade was having an illicit relation with one- Devpal, which had come to the knowledge of her husband, due to that he used to harass her wife. It was also alleged that Sarita Rajwade along with the applicants made a conspiracy to kill her husband. On 07/08/2017, the Applicants and co-accused Kishan called the deceased and killed him altogether and thrown his body in the forest. The applicants were arrested on 19/07/2017. They filed applications under Section 12 of the Act, 2015 before the Juvenile Justice Board, Surajpur which were dismissed. Against the said dismissal, appeals were preferred which were also dismissed. Hence, these revisions.

5. Learned counsel appearing of the Applicants submits that the Applicants are innocent and have been falsely implicated in this case only on the basis of memorandum statement of co-accused Sarita. There is no evidence available on record against Applicant Yogesh. He further submits that though the first revision preferred by Applicant Rajesh was dismissed on merit, but considering the fact that Applicant Rajesh is in jail since about 2 ½ years and trial will likely to take time, his bail may be considered. He further submits that both the Applicants are in custody since 19/07/2017 and they are juveniles, therefore, they may be released on bail.
6. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
7. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
8. Considering the nature of allegation, facts of the case and the fact that the

Applicants are in observation home since 19/07/2017 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 their psychological and physical state of mind, I am inclined to allow these revisions and release the Applicants on bail.

9. Consequently, the revisions are allowed and the impugned judgments in both the revisions are 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/-
(Arvind Singh Chandel)
Judge