

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 748 of 2019**

- Ajay Deep S/o Shri Mahadev Deep, aged about 17 years, through his friend Vipin Srivastava S/o Shri Pradeep Shrivastava, R/o behind Bharatmata School, C.H. Colony, Tatibandh, District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, through District Magistrate, Raipur, District- Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Shobhit Mishra, Advocate
For Respondent/State	:	Shri Rahul Mishra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****04.07.2019**

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 01.05.2019 passed in Criminal Appeal No. 229/2019 by the Children Court/ 9th Additional Sessions Judge Raipur, whereby the learned Additional Sessions Judge has rejected the appeal arising out of order dated 10.04.2019 dismissing the bail application of the present applicant passed in Criminal Case No. 66/2019, Police Station Mova Pandri by the Juvenile Justice board, Raipur.
2. As per prosecution story, the complainant Tuleshwar Vaishnav has lodged the complaint on 22.02.2019 before Pandri Police Station alleging therein that on 17.02.2019, complainant had cash of Rs. 32,000/-, ATM card of Punjab

National Bank & Oriental Insurance Company in his pocket to deposit the amount in hospital. When complainant reached near the hospital, the petitioner along with other adult co-accused person stopped him from urinating in front of hospital, started threatening and looted 32,000/- cash as also ATM card. On the basis of said report, offence under Section 392 was registered. The applicant has been taken into custody. 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 applicant submits that the applicant has been falsely implicated in the present case. He further submits that the applicant has no criminal background. Both the Courts have not considered the facts that present applicant has not committed the crime. In view of provision contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail. The applicant is in Jail since 03.03.2019 and he has completed more than 3 months in custody, therefore, he may be extended benefit of bail.
4. Learned counsel appearing for the State opposed the prayer for grant of bail and supported the impugned order.
5. I have heard learned counsel appearing for both 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 03.03.2019 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 application on bail.

7. Consequently, the revision is allowed and the impugned order dated 01.05.2019 is set-aside. It is directed that the applicant shall be released on bail on his furnishing one local surety of Rs. 20,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by he said Board.

Sd/-
(Rajani Dubey)
JUDGE