

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No.732 of 2019**

- Nabalik Yadav, S/o Shri Dudil Yadav, Aged About 17 Years, Through Guardian Of His Father Dudil Yadav S/o Lalman, Aged About 55 Years, Resident Of Village, Gubardha (Karamdiha), Police Station Raghunathnagar, District Balrampur, Ramanujganj Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh, Through District Magistrate, District - Balrampur, Ramanujganj, Chhattisgarh

**---- Respondent**

---

For Applicant : Shri Vikash Pandey, Advocate.  
For Respondent/State: Shri Anant Bajpai, PL

---

**Hon'ble Smt. Justice Rajani Dubey**  
**Order on Board**

**01/08/2019**

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 01.06.2019 passed in Criminal Appeal No. 28/2019 by the Learned Sessions Judge, Balrampur, Ramanujganj, District Balrampur, Ramanujganj(C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 09.05.2019 passed in Criminal Case No. 15/2019 dismissing the bail

application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Raipur.

2. The prosecution story in brief is that the applicant and other co-accused gave inducement to the complainant Eanual Miya that they are in possession of  $\frac{1}{2}$  Kg. gold which he wants to sell. Getting induced the complainant purchased the same gold for a price of Rs.4,50,000/-. Later on, when the gold was examined that was found to be fake. The applicant and other co-accused has been taken into custody. He filed an application under Section 12 of the Juvenile Justice Act 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 applicant 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 applicant has been falsely implicated in the present case. He has no criminal background. 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 applicant deserves to be released on bail. He also submits that the other co-accused in the same offence has granted bail by this Court vide order dated 29.07.2019, in MCRC No.3920/2019.

4. Counsel for the State submits that the order passed by the 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. 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.
6. In view of above consideration, the impugned order dated 01.06.2019 could not be sustained and is therefore, set aside. Accordingly, the application under Section 12 of the Act 2015 is allowed.

7. It is therefore, directed that the applicant be released on bail on the conditions given below :-

- I. The Applicant shall be released on bail forthwith on his father/legal guardian furnishing a personal bond in the sum of Rs. 25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board.
- II. The applicant shall appear before the Juvenile Justice Board on all such subsequent dated as and when given to him, till the disposal of the case.
- III. Father/natural guardian of the applicant shall file an undertaking that the applicant will not indulge in criminal activities during the bail period, otherwise, his bail will automatically stand canceled.

8. The revision is accordingly allowed.

Sd/-  
**(Rajani Dubey)**  
Judge