

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 816 of 2019**

Prateek Tandi, S/o Shri Jitendra Tandi, Aged About 17 Years R/o Banjari Nagar, Near Pani, Beside Banshi, Kirana Shop, Police Station D.D.Nagar, District Raipur, Chhattisgarh, Through His Natural Guardian Father Jitendra Tandi, S/o Dayaram Aged About 45 Years R/o Banjari Nagar, Near Pani, Beside Banshi, Kirana Shop, Police Station D.D. Nagar, District : Raipur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station D.D. Nagar, Raipur, Civil And Revenue District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri B.L. Sahu, Advocate.
For Respondent/State: Shri Suryakant Verma, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board**05/08/2019**

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 06.05.2019 passed in Criminal Appeal No. 233/2019 by the Ninth Additional Sessions Judge, Raipur (C.G.), whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 16.04.2019 passed in Crime No. 66/2019 dismissing the

bail application of the present applicant by the Juvenile Justice Board, Raipur, C.G.

2. As per the case of prosecution on 26.02.2019, the Complainant lodged a report stating therein that on 25.02.2019, at about 10.30 p.m. he was going to Indraprasth Colony on foot. When he reached near Raipura Chowk, at that time, three unknown persons came there on the motorcycle and asked him to sit on their motorcycle and took the complainant with them to some unknown place. Thereafter, the bike get stopped near Didwaniya Residency, the unknown persons looted Rs.300/- from the complainant under the threat of knife. Based on this, an FIR has been registered against the Applicant and other co-accused. The applicant has been arrested on 26.02.2019. He filed an application under Section 12 of the Act, 2015, 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 further submits that 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. The applicant is in custody since 26.02.2019.

4. Counsel for the State submits that the order passed by 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.
6. 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.
7. In view of above consideration, the impugned order dated 06.05.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be

released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-, by the parents or guardians of the applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge