

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 815 of 2019**

Nitesh Das, S/o Motilal Das, Aged About 15 Years, Through His Father Motilal Das, S/o Rajjal R/o Village Karamha Police Station Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Ambikapur, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Shri Nishikant Sinha, Advocate.
For Respondent/State: Shri Anant Bajpayi, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

25/07/2019

1. The present revision has been preferred under Section 101 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. 23/2019 by the Sessions Judge, Ambikapur (C.G.), whereby the learned Additional Session Judge(FTC), has rejected the application under Section 389 of the IPC.
2. The present applicant has been convicted by the Juvenile Justice Board on 11.01.2019, under Section 6 of POCSO Act and sentenced him to be kept in juvenile home for two years. The applicant filed an application under

Section 389 of the Cr.P.C. before the Additional Sessions Judge, which was rejected by it , hence this revision.

3. Learned counsel for the applicant submits that the impugned order passed by the learned Court below is contrary to the law and illegal in nature. The social investigation report does not suggest that release of the applicant would expose him to moral, psychological and physical danger. The learned Court has committed grave error of law by rejecting the bail application of the applicant. The applicant is young boy aged about 15 years and he is in juvenile home since 11.01.2019, and as such the appeal will likely to take some time to conclude, therefore, he may be released on bail.
4. Learned counsel for the State supports the impugned order.
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 101

of the Act of 2015 is allowed. It is directed that the substantive jail sentence imposed upon the applicant shall remain suspended and he 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