

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 812 of 2019**

Krishna Kumar @ Golu S/o Shri Ramesh Kumar Markam Aged About 17 Years Minor, R/o Samta Colony Raipur Police Station - Azad Chowk District Civil And Revenue District : Raipur, Chhattisgarh

---- Applicant**Versus**

1. State Of Chhattisgarh Through District Magistrate, District : Raipur, Chhattisgarh
2. State Of Chhattisgarh, Through Police Station Azad Chowk, District : Raipur, Chhattisgarh

---- Respondents

For Applicant : Shri Ajay Mishra, 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 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015') against the order dated 25.06.2019 passed in Criminal Appeal No. 327/2019 by the Ninth Additional Sessions Judge, Raipur (C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 07.06.2019 passed in Crime No. 154/2019 dismissing the bail application of the present applicant by the Principal Judge, Juvenile Justice Board, Mana Camp, Raipur, C.G.

2. As per the case of prosecution, in the intervening night of 13-14/05/2019, the applicant with other co-accused looted the cash of R.5,00,000/- from the shop of the complainant. Thereafter, the complainant lodged an FIR. During investigation, and on the basis of information received from the informant and CCTV footage of the shop, the applicant and other co-accused was taken into custody since 19.05.2019. The applicant 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 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 Act,2015, the applicant deserves to be released on bail. The applicant is in custody since 19.05.2019.
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, 2015 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 25.06.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act, 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.
7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge