

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No.840 of 2019**

- Sandeep Rao Mule @ Chintu (Juvenile)

S/o Rajesh Mule Aged About 17 Years Through Mother
Smt. Kusum Mule, W/o Rajesh Mule, Aged 38 Years, R/o
Vikas Nagar, Chandani Chouck, Police Station Gudhiyari,
District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Incharge, Police
Station- Gudhiyari, District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri J.K. Gupta, Advocate.
For Respondent/State:		Shri I. Lakra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

22/07/2019

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 28.06.2019 passed in Criminal Appeal No. 04/2019 by the (Children's Court) Ninth Additional Sessions Judge, Raipur (C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 30.04.2019 passed in Crime No. 97/2019 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board,

Raipur.

2. In this case there are total eight accused persons. Out of them, three are juveniles. The name of the deceased is Krishna Nepali. As per prosecution story, the name of the deceased namely Sonu Meshram lodged a report on 21.12.2018, alleging therein that he was smoking near Krishan Provision Store. Other persons namely Avinash Koshley and Golu were also standing there. When the deceased reached near the said store, some unknown persons, lashed with knife, bat and wooden stick, assaulted him, due to which the deceased fell down. He was taken to the hospital, where he died. On the basis of said report, offence has been registered. The allegation against the applicant is that he also assaulted the deceased. The applicant 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 17.06.2019.

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 28.06.2019 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.

7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge