

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 857 of 2019**

1. Devsona, S/o Ratan Sona aged about 16 years (Minor), Through : Guardian/Father- Ratan Sona S/o Ramu Sona, aged about 42 years, R/o Behind Jail line P.S. civil Line, district Bilaspur(C.G.)
2. Vivek Shyam S/o Hansaram Shyam aged about 15 years (Minor), Through : Guardian/Mother- Sumitra Shyam W/o Late Hansaram Shyam aged about 42 years, R/o In front of Civil Line Quarter No. 83 P.S. Civil Line district – Bilaspur (C.G.)

---- Applicants

Versus

- State of Chhattisgarh through Police Station Sirgitti District Bilaspur (C.G.)

---- Respondent

For Applicants	:	Shri Rohitashwa Singh, Advocate.
For Respondent/State	:	Shri I. Lakra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

31/07/2019

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 27.06.2019 passed in Criminal Appeal No. 152/2019 by the Additional Sessions Judge (FTC) Bilaspur (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 02.01.2019 passed in Criminal Case No.400/2018 dismissing the bail application of the present applicant by the Juvenile Justice Board, Bilaspur.
2. This is the revision petition filed by the accused, who are

juvenile. The prosecution story in brief is that on 06.09.2018, an information was received by the Police Station, Sirgitti that the dead body of deceased, Aditya Singh Chouhan, was found near Ghokhne Nala, Yadunandan Nagar, thereafter, Merg was registered by the Police of Sirgitti. After investigation Crime No. 344/2018 under Section 302 of IPC was registered against the unknown person. During investigation one suspected Kishan Yadav was arrested and his memorandum statement was recorded. As per memorandum of Kishan Yadav he and present applicants committed murder to deceased and threw deceased dead body into Ghokhne Nala, thereafter, police arrested Kishan Yadav and present Applicants, and offence under Sections 201, 120B, 34 of IPC and under Sections 25 & 27 of Arms Act were added. On the date of occurrence the present applicants were juvenile. They were sent to juvenile home on 08.09.2018. they filed 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 applicants 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 applicants have been falsely implicated in the present case. They have 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 applicants deserves to be released on bail. The applicants are in Jail since 08.09.2018 and they have completed more than ten months in custody, therefore, they may be extended benefit of bail.

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 27.06.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicants shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/- each, by the parents or guardians of the applicants, as the case may be, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.
7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge