

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 856 of 2019**

- Shrawan Kumar Son of late Amrit Cherwa, aged about 15 years, Caste- Cherwa, resident of Injani Panchgadaipara, Police Station- Ramkola, District- Surajpur (C.G.) Minor, represented through mother Moharmaniya widow of late Amrit Cherwa, aged about 30 years, resident of Injani Panchgadaipara, Police Station – Ramkola, District- Surajpur(C.G.)

---- Applicant

Versus

- State of Chhattisgarh through Station House Officer, Police Station Ramkola, District Surajpur (C.G.)

---- Respondent

For Applicant	:	Shri S. S. Painkra, Advocate.
For Respondent/State	:	Shri Rahul Mishra, 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 27.05.2019 passed in Criminal Appeal No. 19/2019 by the First Additional Sessions Judge, Surajpur, District Surajpur (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 13.03.2019 passed in Criminal Case No. 72/2018 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Surajpur, District Surajpur.
2. This is the revision petition filed by the accused, who is juvenile.

The prosecution story in brief is that on 07.09.2018, the complainant Chandrika Singh lodged a report at Police station, Ramkola, alleging therein that the deceased Ramkumar Marko (father of complainant) was posted as Headmaster at Middle School, Injani Pachgadaipara and on 06.09.2018 he went to school as usual. At about 05:00 PM one Mahendra Singh Gond informed the complainant that Shrawan Cherwa, the present applicant and Sohabbat Cherwa were dragging the deceased Ramkumar Marko towards jungle side. On the basis of said intimation, the complainant along with Mahendra Singh went to the same place as described by the Mahendra Singh and found that Ramkumar Marko is lying dead in Sarnadand jungle and the motorcycle is dumped over the dead body. Police has registered the case for the offence under Sections 302, 201, 34 of IPC. On the date of occurrence the present applicant being juvenile. He was sent to juvenile home on 11.09.2018. 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. Learned counsel for the applicant further submits that the dead body of deceased Ramkumar was lying in Sarnandand Jungle, where the nuxalies are active, therefore, it might be possible that the deceased was killed by nuxalies. 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 Jail since 11.09.2018 and he has completed more than ten months in custody, therefore, he 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 27.05.2019 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.

7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge