

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 896 of 2019**

Jagendra Tiwari, Age 16 Years 8 Months, S/o Ramavtar Tiwari
R/o Gram Limhi, Police Station Takhatpur, District Bilaspur
Chhattisgarh.

Through His Legal Guardian Father Ramavtar Tiwari, S/o
Ishwar Prasad Tiwari, Age 49 Years, R/o Gram Limhi, Police
Station Takhatpur, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Police Station Takhatpur,
District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Shri Rajkumar Gupta, Advocate.

For Respondent/State: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

08/08/2019

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. 151/2019 by the Learned Additional Sessions Judge(FTC), Bilaspur (C.G.), whereby the Learned Principal Judge has rejected the appeal arising out of order dated 06.06.2019 passed in Criminal Case No. 143/2019 dismissing the bail application of the present applicant

by the Juvenile Justice Board, Bilaspur, C.G.

2. As per the case of prosecution on 22.02.2019, the FIR has been lodged by the informant Faguram Kashyap stating in that his mother has died two year before, and after her death, his father was living separately. On 22.02.2019, he was dialing mobile number of his father so many times but he was not answering the call of Faguram, thereafter he went to his father home and saw that some unknown persons have committed the murder of his father with sharp edged weapon. Based on this, the present applicant has been arrested and is in custody since 25.03.2019. He 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 of 2015. He further submits that the applicant has been falsely implicated in the present case. He further submits that 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.

4. Counsel for the State submits that the order passed by 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.
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 25.03.2019 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.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge