

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 887 of 2018**

1. Dilharan @ Dauwa S/o Nandkumar Sahu, aged about 17 years and 10 months,
2. Sandeep @ Bunty S/o Nandkumar Sahu, aged about 16 years,

Both are R/o Village Sargaon, Chowki Sargaon, Police Station Patharia, District Mungeli (C.G.)

----Applicants**Versus**

State of Chhattisgarh, through the Station House Officer, Police Chowki Sargaon, Police Station Patharia, District Mungeli (C.G.)

---- Respondent

For Applicants	:	Mr. Vipin Singh, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****07/03/2019**

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015) against judgment dated 13/10/2017 passed in Criminal Appeal No. 40/2017 by the Sessions Judge, Mungeli whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 06/09/2017 dismissing his bail application passed in Criminal Case No. 40/2017 by the Juvenile Justice Board, Mungeli.
2. Brief facts of the case are that a charge-sheet under Sections 302 and 120-B/34 of the IPC was submitted against the Applicants and another co-accused Vijay Rajak before the Juvenile Justice Board, Mungeli alleging

therein that the Applicants and co-accused Vijay had committed murder of one Dileshwar Sahu. On the basis of said, the Applicants have been arrested on 28/07/2017. They filed an application under Section 12 of the Act, 2015 for grant of bail, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.

3. Learned counsel appearing on behalf of the Applicants submits that the Applicants have been falsely implicated in the present case. He further submits that the charge-sheet has been filed on 28/08/2017, but due to non-availability of the board, the trial of the case is not started yet, and therefore, the trial will take much more time. He further submits that the Applicants are juveniles who are in custody since 28/05/2017, co-accused Vijay Rajak has already been released on bail vide order dated 29/01/2018 passed in CRR No. 999/2017 by this Court and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the Applicants are in observation home since 28/05/2017, co-accused Vijay has already been released on bail and social investigation report does not

suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow this revision and release the Applicants on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 13/10/2017 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge