

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 935 of 2018**

Rajesh Chandrakar S/o Late Shri Dwarika Chandrakar, aged about 17 years
Through natural Guardian uncle Sushil Chandrakar S/o Tulsi Chandrakar, aged
about 50 years, R/o Village Dhaneli, P.S. Kunda, Tahsil Pandariya, District
Kabirdham (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through the District Magistrate, District Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Yogesh Chandra, Advocate
For Respondent	:	Mr. Adil Minhaj, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**04/01/2019**

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 the judgment dated 31/07/2018 passed by the Additional Sessions Judge, (FTC) District Kabirdham in Criminal Appeal No. 91/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 11/07/2018 dismissing his bail application passed in Crime No. 141/2018, P.S. Kunda, District Kabirdham by the Juvenile Justice Board, Kabirdham.
2. In this case, the Applicant is son of Deceased Dwarika Chandrakar. As per prosecution story, it is alleged that on 10/06/2018 a quarrel took place between the Applicant and his father. In heat of quarrel, the

Applicant assaulted his father by a Lathi and then strangled him to cause death. Thereafter, the Applicant dropped the cooler over him and told that his father has died due to electrocution. Merg was lodged by Kapil Chandra, brother of the Deceased. Statement of witnesses were recorded and thereafter, the offence has been registered against the Applicant. The Applicant has been taken into custody on 30/06/2018. He 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 applicant submits that the applicant has been falsely implicated in the present case. Total 9 witnesses have been examined including eye-witnesses. None of the witness has supported the case of the prosecution. Apart from this, the Applicant is a juvenile aged about 17 years and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he 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 Applicant is in observation home since 30/06/2018 and social

investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind, I am inclined to allow this revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 31/07/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge