

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1739 of 2018

Nitish Karune S/o Bali Ram Karune Aged About 14 Years Minor
through Natural Guardian Father Bali Ram Karune, R/o Anand Nagar,
Uslapur, Chowki Sakri, Police Station Chakarbhatta, District Bilaspur,
Chhattisgarh. **--- Petitioner**

Versus

State of Chhattisgarh through the District Magistrate Bilaspur, District
Bilaspur, Chhattisgarh. **--- Respondent**

For the applicant	:	Ms. Nirupama Bajpai, Advocate.
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.01.2019

1. The instant petition is against the order dated 12.06.2018 passed by the learned Additional Sessions Judge (FTC), Bilaspur in Criminal Appeal No.114/2018 whereby the application for suspension of sentence and grant of bail was rejected. The said appeal has been preferred against the order dated 23.05.2018 passed by Juvenile Justice Board, Bilaspur in Criminal Case No.343/2016 whereby the petitioner has been convicted u/s 18(g) of the Juvenile Justice (care and protection of Children) Act, 2015 and has been directed to be sent to Special Home for 3 years.
2. Learned counsel for the petitioner submits that the appeal has not been decided though there is a mandatory period to decide the case within 30 days. He further submits that the social investigation report of the reformatory steps taken and conduct and behaviour of the juvenile as observed during his apprehension in observation/special home was called for and no purpose would be served to keep the juvenile in the

special home, therefore, he may be released on bail as he is already in custody since 2 years and two months in the custody.

3. Perused the orders of the courts below.
4. Learned state Counsel was directed to place on record the social investigation report. A perusal of the report shows that the act was done in a spur of moment and presently, the behavior of the applicant has been shown to be controlled and the conduct has been shown to be proper.
5. Taking into facts of this case, since the petitioner has already suffered 2 years and 2 months in observation/special home and the appeal is not being decided and further taking into social investigation report, I am inclined to suspend the order of the Juvenile Justice Board passed under Section 18(g) of the Act, 2015 so that the parents of the applicant shall have all the hold and control over the child to ensure that the applicant shall not come in association with any known criminal and further shall not expose to moral, psychological and physical danger.
6. Consequently the petition is allowed and the order dated 12.06.2018 is set aside.
7. it is directed that the applicant shall be released on bail subject to furnishing surety of Rs.25,000/- by his parents to the satisfaction of the concerned Juvenile Justice Board, for producing him as and when directed till the appeal is decided.

Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**