

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 947 of 2019

- Toran Chandraker S/o Shri Juthel Chandraker Aged About 17 Years Through His Legal Guardian His Father Shri Juthel Chandraker, Age About 55 Years, S/o Bhanjan Chandraker, R/o Rameshwer Nagar, Bhanpuri, P S- Khamtarie District (Revenue And Civil) Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

 For Applicant : Ms. Richa Pandey, Advocate
 For Respondent/State : Ms. Reena Singh, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

14.8.2019

1. Heard on admission.
2. The present 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 order dated 22.7.2019, passed in Cr. Appeal No.381/2019 by the Seventh Additional Sessions Judge, Raipur, District Raipur (CG), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 24.5.2019 passed in Criminal Case No. 155/2019 dismissing the bail application of the present applicant by the Juvenile Justice Board, Raipur, District Raipur (CG).
3. This is the revision petition filed by the accused, who is juvenile. The prosecution story in brief is that on 4.3.2019, on secret information search was made and 6.300 bulk litres of liquor(Gova Special Whisky) was seized from the possession

of the juvenile applicant, on which a case was registered as Crime No.109/2019 under Section 34 (2) of the Excise Act and the applicant was arrested and he was sent to Juvenile home. He filed application under Section 12 of the Juvenile Justice Act for grant of bail, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.

4. Learned counsel for the applicant submits that in the present case, the Juvenile Justice Board as well as the appellate court below 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 is innocent and he has been falsely implicated in the present case. The orders passed by both the Courts below are improper and contrary to 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 March, 2019 and he has completed more than 4 months in custody, therefore, he may be extended the benefit of bail.
5. On the other hand learned counsel for the State submits that the orders passed by both the courts below being fully justified and in accordance with the provisions of Section 12 of the Act does not warrant any interference by this Court.
6. I have heard learned counsel for both the parties and perused the material available on record.

7. 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.
8. In view of the above consideration, the impugned order dated 22.7.2019 could not be sustained and is therefore, set aside. Accordingly, the application under Section 12 of the Act of 2015 is allowed.
9. It is therefore, directed that the applicant be released on bail on the conditions given below:-
 - I. The applicant shall be released on bail forthwith on his father/legal guardian furnishing a personal bond in the sum of Rs.25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board.
 - II. The applicant shall appear before the Juvenile Justice Board on all such subsequent dates as are given to him, till the disposal of the case.
 - III. Father/natural guardian of the applicant shall file an undertaking that the applicant will not indulge in criminal activities during the bail period, otherwise, his bail will automatically stand cancelled.
10. The revision is accordingly allowed.

Sd/

(Rajani Dubey)
JUDGE