

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 965 of 2019**

1. Suryakant Sahu @ Sajju S/o Khelan Sahu Aged About 17 Years Through Khelan Sahu, R/o Village Demaar, Tehsil Patan, District Durg Chhattisgarh.
2. Manish Thakur S/o Ajay Thakur Aged About 17 Years R/o Village Demaar, Tehsil Patan, District Durg, Chhattisgarh.

---- Applicants**Versus**

- The State Of Chhattisgarh Through District Magistrate, Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Avinash Chand Sahu, Advocate.
For Respondent/State	:	Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

05/09/2019

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 11.06.2019 passed in Criminal Appeal No. 151/2019 by the Additional Sessions Judge (FTC), Durg, District Durg (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 30.05.2019 passed in Crime No. 21/2019 dismissing the bail application of the present applicants by the Chairman, Juvenile Justice Board, Durg.
2. This is the revision petition filed by the accused, who are juvenile. The prosecution story in brief is that in Police Station Nawai, District Durg, a Crime No. 21/2019 is registered against the applicants under Sections 364, 365, 201, 302, 394 and 120B of IPC alleging that the applicants abducted deceased Hariprasad Dewangan and looted his Rs. 30,000/- cash and killed him, thereafter, buried his dead body and

ran away from there. On the date of occurrence the present applicants being juvenile. They filed an application under Section 12 of the Juvenile Justice Act 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 applicants 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 applicants have been falsely implicated in the present case. He has no criminal background. 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 applicants deserves to be released on bail, therefore, they may be extended benefit of bail.
4. Counsel for the State submits that the order passed by the 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. 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.
6. In view of above consideration, the impugned order dated 11.06.2019 could not be sustained and is therefore, set aside. The application

under Section 12 of the Act of 2015 is allowed. The applicants shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/- each, by the parents or guardians of the applicants, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

7. The revision is accordingly allowed.

**Sd/-
(Rajani Dubey)
Judge**