

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1070 of 2019**

- Rajkumar @ Lalu Sarthi, S/o Late Sukrit Sarthi, Aged About 17 Years, R/o Ward No. 15, Nearby Bhairav Mandir, Police Station Ratanpur, District Bilaspur, Chhattisgarh (Minor) (Since The Father Of The Applicant Is Dead) Through Natural Guardian Brother Manoj Sarthi S/o Late Sukrit Sarthi, Aged About 40 Years R/o Ward No. 15, Nearby Bhairav Mandir, Police Station Ratanpur, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Ratanpur, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Shri Qamrul Aziz, Advocate.
 For Respondent/State: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

12/09/2019

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 22.07.2019 passed in Criminal Appeal No. 174/2019 by the Learned Additional Sessions Judge(FTC), Bilaspur, District - Bilaspur (C.G.), whereby the Learned Additional Sessions Judge has rejected the appeal arising out of order dated 27.06.2019 passed in Criminal Case

No. 102/2019 dismissing the bail application of the present applicant by the Juvenile Justice Board, Bilaspur, C.G.

2. As per the case of prosecution on 02.11.2018 at about 9.00 p.m. to 10.00 p.m. the complainant after having dinner went out of his house to answer the nature call, at that time he heard some noises of unknown person who were beating some person. When complainant went near that place he saw that the deceased was lying in the ground wearing underwear in blood bath. Thereafter, he immediately informed this to the nearby dhaba. The deceased was taken to the hospital and during treatment he died. Based on this the FIR was lodged against some unknown persons. During investigation and on the basis of memorandum of the applicant and other co-accused persons lathi, beer bottles, mobile phone of the deceased and cash of Rs.7000/- was recovered. He filed an application under Section 12 of the Act, 2015, 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 applicant 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 applicant has been falsely implicated in the present case. He further submits that orders passed by both the Courts below are improper and contrary to the law. In view of the provisions contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail.

4. Counsel for the State submits that the order passed by 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.
6. 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.
7. In view of above consideration, the impugned order

dated 22.07.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-, by the parents or guardians of the applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge