

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1041 of 2019

- Dev Gidwani S/o Shri Pawan Gidwani Aged About 17 Years R/o Ahuja Colony, Mahaveer Nagar, Telibandha, Raipur, District Raipur, Chhattisgarh, Through Legal Guardian Father Shri Pawan Gidwani.

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri Keshav Prasad Gupta, Advocate
 For Respondent/State : Shri Wasim Miaym, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

04.10.2019

1. 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 5.8.2019, passed in Cr. Appeal No.398/2019 by the Fast Track Court, District Raipur(CG), whereby the learned Additional Sessions Judge has rejected the appeal arising out of order dated 23.7.2019, passed in Criminal Case No. 209/2019 dismissing the bail application of the present applicant by the Member, Juvenile Justice Board, Mana Camp, Raipur (CG).
2. This is the revision petition filed by the accused, who is juvenile. The prosecution story in brief is that police has registered the case as crime No. 155/2019 under Section 394 of the IPC against the Juvenile applicant on the ground that in the intervening night of 7th and 8th April, 2019, the applicant along with some other co-accused persons assaulted and

looted Rs.6000/- from the complainant Punit Kumar Yadav while he was returning to home from his duty to Housing Board Colony, Saddu. Case was registered and the applicant was arrested and 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.

3. 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 13.4.2019 and he has completed more than 5 months in custody, therefore, he may be extended the benefit of bail.
4. 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 and the instant revision deserves to be set aside.

5. I have heard learned counsel for 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 the above consideration, the impugned order dated 5.8.2019 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.
9. Certified Copy today.

Sd/

(Rajani Dubey)
JUDGE