

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1177 of 2018**

Deep Nanda @ Gulli, S/o Shri Anil Nanda, aged about 22 years, R/o Village Nagoi Khar, Police Station Darri, District Korba (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through District Magistrate, Korba, District Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Rohit Sharma, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**17/01/2019**

1. This 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 judgment dated 05/10/2018 passed by the Additional Sessions Judge (FTC), Korba in Criminal Appeal No. 79/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 26/09/2018 dismissing his bail application passed in Case No. 37/2018 by the Juvenile Justice Board, Korba.
2. As per prosecution story, on 23/07/2012, it is alleged that Applicant along with other co-accused persons (who were major) committed murder of constable Kirat Patel. On the basis of information, offence has been registered. The Applicant has been taken into custody on

25/02/2018. Since at the time of incident i.e. on 23/07/2012, the Applicant was juvenile, thus a charge-sheet was filed before the Juvenile Justice Board against him. The Applicant filed an application under Section 12 of the Act, 2015 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 appearing on behalf of the applicant submits that the Applicant has been falsely implicated in the present case. He further submits that other co-accused persons (major) were already acquitted by the Trial Court and in an appeal preferred by them, the High Court affirmed the judgment of acquittal. He further submits that the Applicant was juvenile aged about 17 years at the time of incident and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 25/02/2018 and social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind, I am inclined to allow this

revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 05/10/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul