

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1285 of 2018**

Kuleshwar @ Tuleshwar Sahu S/o Hiralal Sahu, aged about 16 years (juvenile) through father Hiralal Sahu, aged about 39 years R/o Vijay Nagar, Gali No. 6 P.S. Telibandha, Distt. Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh through In-charge, Police Station Telibandha, District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. T.K. Gupta, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**11/01/2019**

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 25/09/2018 passed by the 9th Additional Sessions Judge, Juvenile Court, Raipur in Criminal Appeal No. 279/2018, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 12/09/2018 dismissing his bail application passed in Criminal Case No. 329/2018 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, a written report was lodged by Complainant Umesh Yadav stating therein that on 16/07/2018, he had come to see his brother-in-law at Hospital. At about 11:30, when he had gone to

leave his brother-in-law at Railway Station and was returning from there, three persons came there and snatched his mobile phone by assaulting him. All the accused persons fled away from the spot. The Complainant chased them and caught hold one Vishal Baghel, who narrated the name of two other accused persons as Roshan and Tuleshwar. On the basis of said report, offence has been registered. The Applicant has been taken into custody on 16/07/2018. He 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. The Applicant is a juvenile aged about 16 years 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 16/07/2018 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 25/09/2018 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