

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1338 of 2018**

- Ranjit Tandan S/o Shri Chandraprakash Tandan, aged about 17 years, R/o village- Jhitkaniya, Police Station – Fasterpur, Civil & Revenue District- Mungeli (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, through the Station House Officer, Police Station – Fasterpur, Civil & Revenue District- Mungeli (C.G.)

---- Respondent

For Applicant	:	Shri Paras Mani Shrivastava, Adv.
For Respondent/State	:	Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani DubeyOrder On Board**04.07.2019**

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 27.10.2018 passed in Criminal Appeal No. 44/2018 by the Sessions Judge, Mungeli District Mungeli (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 26.09.2018 passed in Criminal Case No.13/2018 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Mungeli.
2. This is the revision petition filed by one of the accused persons, who is juvenile. The prosecution story, in brief, is that about eight years ago, deceased Sita Bai had

performed marriage with accused Satya Prakash Tandan. On the date of incident i.e. on 22.12.2017, Sita Bai was set on fire and, thereafter, was admitted to CIMS Hospital, Bilaspur, where on 28.12.2017 she succumbed to burn injuries during the course of treatment. An FIR was lodged against the accused and his family members by the mother of deceased under Sections 498(A), 326, 307, 34 of IPC. The present petitioner Ranjit Tandan being juvenile was sent to Juvenile Home on 21.03.2018. He filed an 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 appearing on behalf of applicant submits that the applicant has been falsely implicated in the present case. He further submits that the applicant has no criminal background. Both the Courts below have not considered the facts that the present applicant has not committed the crime. 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 21.03.2018 and he has completed more than 15 months in custody, therefore, he may be extended benefit of bail.
4. Learned counsel appearing for the State opposed the prayer for grant of bail and supported the impugned order.
5. I have heard learned counsel appearing for both 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 21.03.2018 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 order dated 27.10.2018 is set-aside. It is directed that the applicant shall be released on bail on his furnishing one local surety of Rs. 20,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Rajani Dubey)
JUDGE