

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1384 of 2018**

Sanjay Kurrey S/o Shri Samoratan, aged about 15 years, 02 months (Minor) R/o Satnami Gali, Gondwara, Police Station khamtarai, District Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station Khamtarai, Civil and Revenue District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Ms. Smita Ghai, PL

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 06/12/2018 passed by the 9th Additional Sessions Judge, Juvenile Court, Raipur in Criminal Appeal No. 405/2018, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 30/11/2018 dismissing his bail application passed in Crime No. 624/2018, Police Station Khamtarai by the Juvenile Justice Board, Raipur.
2. As per prosecution story, the Police Station Khamtarai lodged a report as Crime No. 624/2018 for the offence punishable under Section 34 (2) of the Chhattisgarh Excise Act against the Applicant and one

another, who were illegally found in possession of 6.300 bulk litres of foreign made liquor. The Applicant has been taken into custody on 06/11/2018. 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 15 years and 2 months 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 06/11/2018 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 06/12/2018 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