

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1400 of 2018**

Manish Deep, S/o Shri Rakesh Deep aged about 14 years (Minor) R/o Byron Bazar, Near Janaki Mandir, Behind Bal Gopal Hospital, Police Station Kotwali, Tahsil and District Raipur (C.G.)

----Applicant**Versus**

State of Chhattisgarh Through Station house Officer, Police Station Kotwali, Civil and Revenue District Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. C.R. Sahu, Advocate
For Respondent	:	Mrs. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

25/01/2019

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 03/12/2018 passed by the Juvenile Court/ 9th Additional Sessions Judge Raipur in Criminal Appeal No. 395/2018, whereby the 9th Additional Sessions Judge has rejected the appeal arising out of order dated 03/12/2018 dismissing his bail application passed in Criminal Case No. 471/2018 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, Complainant Shivan @ Shiva made a report alleging therein that on 19/09/2018 due to some previous enmity, the Applicant and other co-accused persons assaulted the Complainant by knife due to which he sustained grievous injuries. On the basis of report, offence has been registered and the Applicant has been arrested on 21/09/2018. 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. He further submits that the Applicant is juvenile aged about 14 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 21/09/2018 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 03/12/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local 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