

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Revision No. 1609 of 2019**

Rakesh Jaiswal S/o Shivshankar Jaiswal, aged about 17 years, R/o Village Chanwaridand, Baigapara, P.S. Manendragarh, District Korla (C.G.), through the legal guardian mother Sonkunwar W/o Shivshankar Jaiswal, aged about 45 years R/o Village Chanwaridand, Baigapara, P.S. Manendragarh, District Korla (C.G.)

**----Applicant****Versus**

State of Chhattisgarh, Through the Station House Officer, Police Station Manendragarh, District Korla (C.G.)

**---- Respondent**


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| For Applicant  | : | Mr. D.N. Prajapati, Advocate        |
| For Respondent | : | Mr. Ghanshyam Patel, Govt. Advocate |

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**Hon'ble Shri Justice Arvind Singh Chandel****Order on Board****02/09/2020**

1. The matter is heard through video conferencing.
2. This is a repeat revision preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015) against judgment dated 25/09/2018 passed in Criminal Appeal No. 83/2018 by the Sessions Judge, Baikunthpur, District Koriya (C.G.), whereby the Sessions Judge has rejected the appeal arising out of order dated 29/08/2018 dismissing his bail application passed in Criminal Case No. 34/2018 by the Juvenile Justice Board, Baikunthpur, District Koriya (C.G.).
3. First revision preferred by the applicant was dismissed as withdrawn with liberty to file afresh after examination of eye-witness vide order dated 03/12/2018 passed in CRR No. 1119/2018.

4. According to the case of the prosecution, on 11/03/2018 at about 12:00 noon, Complainant Mantu Baiga was present in grocery store of her house along with her husband. At that time, co-accused Durgesh came there and started to abuse them on some previous dispute. When she told him not to do, then Durgesh threatened them to commit murder. Thereafter, at about 2:00 O'clock, when she along with her husband and daughter were going towards police station for lodging the report, co-accused Durgesh along with the present applicant came there and assaulted the husband of the Deceased by a sickle, due to which the Deceased died. A report has been lodged by the Complainant. On the basis of said report, the Applicant has been arrested on 12/03/2018. He filed an application under Section 12 of the Act, 2015 for grant of bail before the Juvenile Board, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.
5. 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 17 years who is in custody since 12/03/2018 and has already undergone about 2 years 5 months 19 days, 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.
6. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.

7. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
8. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 12/03/2018 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.
9. 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 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**