

Akash Goldar Vs State Of Chhattisgarh

Court: Chhattisgarh High Court

Date of Decision: Feb. 27, 2019

Acts Referred: Juvenile Justice (Care And Protection Of Children), Act 2015 " Section 102
Indian Penal Code, 1860 " Section 34, 120B, 302, 394

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Manoj Kumar Jaiswal, KK Dewangan

Final Decision: Allowed

Judgement

Arvind Singh Chandel, J

1. This is the second revision filed under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015)

against the judgment dated 05/05/2018 passed by the learned 7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 119/2018, whereby

the appeal filed by the appellant has been dismissed and Appellate Court maintained the order dated 02.04.2018 passed by the learned Principal Judge,

Juvenile Justice Board, Raipur, passed in Criminal Case No. 45/2018, whereby the bail application of the applicant has been dismissed.

2. Earlier first revision of the applicant i.e. CRR No. 565/2018 was dismissed as withdrawn vide order dated 24.07.2018.

3. As per prosecution story, in this case, there are four accused persons.

Offence under Section 302, 120-B, 392/34 of the IPC has been registered against the applicant and other co-accused persons in crime number

45/2018, Police Station New Rajendra Nagar, Raipur (C.G.). Alleging therein that on 12.03.2018, the deceased Siddharth Golchha was missing from

his house. It was found that he was last seen with his friend namely Rishab Malhotra/co-accused, who is a chemist. Thereafter, police searched the

shop of Rishab Malhotra and found the dead body of Siddharth Golchha. Allegedly, he was murdered by present applicant as well as Rishab Malhotra.

During course of investigation, on the basis of memorandum statement of present applicant one gold chain of deceased and blood stain clothes have

been seized. Thereafter, the applicant has been taken in custody on 14.03.2018.

4. 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 and there is no direct evidence available against him, police has not conducted any identification of seized gold chain. He

further submits that with regard to the blood stain clothes, there is no serologist report is available on record, he is in custody since 14/03/2018, charge-

sheet has been filed 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.

5. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.

6. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.

7. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 14/03/2018, charge-sheet has

already been filed 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, I am inclined to allow this revision and release the Applicant on bail.

8. Consequently, the revision is allowed and the impugned judgment dated 05/05/2018 is set-aside. It is directed that the Applicant shall be released on

bail on his furnishing two sureties each 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.