



2025:CGHC:5912

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 928 of 2024

1 - ABC

... Applicant

versus

1 - State of Chhattisgarh Through Station House Officer, Police Station-Sirgitti, District Bilaspur (C.G.)

... Respondent

For Applicant	:	Mr. Tarun Dansena, Advocate
For State	:	Ms. Laxmeen Kashyap, PL

(Hon'ble Shri Justice Arvind Kumar Verma)

Order on Board

31/01/2025

1. This criminal revision has been filed against the order dated 19/06/2024 passed by the Special Judge (Atrocities) Additional Charge- Additional Sessions Judge F.T.C. and Children Court in Criminal Appeal No.89/2024 whereby the order dated 22/05/2024 passed by the Principal Judge, Juvenile Justice Board, Bilaspur, District Bilaspur, C.G. rejecting the application for grant of bail has been affirmed.
2. The brief facts of this case are that on 04.02.2024, upon information given by informant Ajay Singh Thakur that body of an unknown person in the forest of Fadhakhar is lying, a merg intimation no. 05/2024, under section 174 Cr.P.C. was registered at police station Sirgitti and thereafter

the FIR no. 115/2024 for the offence punishable under Sections 302 & 201 of I.P.C. was registered against the unknown persons. Thereafter, during investigation and inquiry, the children who violated the law were taken into custody and upon interrogation, they admitted to have killed their step brother Ravi Sahu due to a domestic dispute. After committing the murder, at the behest of his mother Hemlata Sahu, accused Sunil Yadav took the dead body in a rented vehicle and covered him in a sack and burnt him in the Fadhakhar Forest. After getting the postmortem report police lodged FIR against unknown persons, memorandum statement of co accused persons and present applicant were recorded by the police, statement of the witnesses were recorded, present applicant and other co accused persons were arrested and after completion of the entire investigation charge sheet was filed and presently the case of the present applicant is pending before Principal Judge, Juvenile Justice Board. The applicant/Juvenile was arrested by the police on 05.02.2024 for the offence punishable under section 302, 201, 34 of Indian Penal Code.

3. The applicant preferred an application under section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 before the learned Juvenile Justice Board, which has been dismissed on 22/05/2024. Thereafter, an appeal against the order dated 22.05.2024 passed by the learned Presiding Officer, Juvenile Justice Board, in Crime No. 115/2024 was preferred and the learned Judge dismissed the said appeal.
4. Learned counsel for the applicant would submit that the entire prosecution case is based upon the memorandum of the present applicant

and co-accused persons and apart from the memorandum statement of the present applicant there is no other evidence to implicate the present applicant. He would next contend that the provisions of Section 12 of the Juvenile Justice (Care and Protection of the Children) Act have not been followed by the Courts below while rejecting the bail application. He would lastly contend that the applicant is in custody since 05/02/2024, therefore, he may be released on bail and the order of both the Courts below may be set aside.

5. Per contra, learned State counsel would support the impugned orders passed by both the Courts below and would submit that the orders are well merited which do not call for any interference.
6. I have heard learned counsel for the parties and perused the documents.
7. Perusal of the documents would show that it is a case of murder and in the clothes of the applicant human blood was found, on the memorandum of the present applicant blood stained clothes were recovered and the FSL report is also positive. Further considering the fact that the applicant after commission of crime tried to burn the dead body, meaning thereby he is mentally sound to understand that what crime he has committed and also tried to destroy the evidence against him.
8. The social investigation report also purports that the deceased was the step brother of the applicant and the mother and the brother of the applicant are the co-accused in this case. Therefore, considering the entire facts & circumstances of the case and looking to the gravity of offence which is of commission of murder, this Court is of the opinion

that there would be a miscarriage of justice if the applicant is released on bail and there would also be a danger to the society, I am not inclined to interfere with the orders passed by both the Courts below and release the applicant on bail.

9. Accordingly, the instant revision is dismissed. However, it is directed that the concerned Juvenile Justice Board, District Bilaspur shall expedite the trial as early as possible.

Sd/-

(Arvind Kumar Verma)
JUDGE

ashu