



2026:CGHC:8304

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 47 of 2026

1 - Juvenile In Conflict With Law Nill

...Applicants.

versus

1 - State Of Chhattisgarh Police Station Dharsiwa, Raipur, Distt. Raipur C.G.

... Respondent(s)

For applicants. : Mr. Pragalbh Sharma, Advocate.

For Respondent(s) /State : Mr. Krishna Gopal Yadav, Dy. Govt. Advocate.

(Hon'ble Mr. Justice Nareendra Kumar Vyas)

Order on Board

16/02/2026.

1. The present revision has been preferred under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015') against the judgment dated 22.11.2025 passed in Criminal Appeal No. 533 of 2025 by the Additional Sessions Judge (FTC) Raipur, District Raipur (C.G.), whereby the learned Additional Sessions Judge has dismissed the appeal arising out of Criminal Case No.104

of 2024 whereby the bail application of the applicants has been rejected.

2. The present applicants who are juvenile are in custody since 28-12-2023 in connection with Crime No. 615 of 2023 for commission of offence punishable under Sections 147, 148,149, 325, 307 of IPC & Sections 25 & 27 of the Arms Act and Section 3 (2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. This is the revision petition filed by the accused, who are juvenile. The case of the prosecution, in brief, is that on 27.12.2023 at 21.30 hrs, informant Murali Manohar Markam lodged a complaint at the Dehati Nalisi that he is the Director of Gyan Vatika School, Silyari, on 27.12.2023 at night around 9:30 PM, he was at home, and his son, Kapish Markam, had gone out to take the dog of the house for a ride. He called him on his mobile phone and informed him that Puran Solanki had come in a Hyundai car with his friends, armed with sticks, batons, and rods, in front of Saraswati Shishu Mandir on Tresar Road, and were abusing and quarreling with him over an old rivalry. Therefore, he should come quickly. Upon receiving this information, the informant, along with his brother Santosh Markam and son Chandan Singh, went to the spot where Puran Solanki, Dinesh Solanki, Amit Solanki, Vijay Rathore, Rohit Solanki, and others, acting in unison and declaring that they would kill him today, attacked the informant's son, Kapish with sticks, batons, rods, and a knife, inflicting fatal injuries on his left hand and both legs. When the informant, his brother Santosh Markam, and his son Chandan Markam tried to intervene, they threatened and assaulted them with sticks, rods, and knives with the intent to kill them. The informant sustained injuries to his forehead, near his eye, leg, and ribs, and the informant's brother sustained injuries to both legs and hands, and his son Chandan Markam also sustained injuries. The informant's brother, both sons, and nearby residents witnessed and heard the incident. The informant and

the injured were taken to the Dharsiwa Community Health Center for treatment by villagers. After being referred to Mekahra, they were then taken to DKS Hospital, where they are currently receiving treatment. The informant's report has been registered as a zero offense in the Dehati Nalishi. The injured were medically examined and Crime No. 615/2023 was registered at Dharsiwa police station and after complete investigation, the charge sheet was presented before the Court of Special Judge (SC/ST Act), Raipur, District – Raipur (C.G.).

4. Learned counsel for the applicants would submit that the other co-accused namely Vijay Rathore, Dinesh Solanki, Rohit Solanki, Amit Solanki, Puran Solanki, Ratan Solanki were tried for commission of offence punishable under Sections 147, 148, 149, 325, 307 of IPC and Sections 25 & 27 of the Arms Act and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by the learned learned Special Judge (SC & ST) Raipur in Special Sessions Case No. 12 of 2024 and learned Special Judge vide its order dated 5-7-2025 has convicted the appellants for maximum period of five years. It has also been contended that the complainant has also filed a criminal appeal against acquittal of accused for enhancement of sentence which was listed before the Hon'ble Division Bench of this Court wherein Hon'ble Division Bench of this Court vide judgment and dated 9-2-2026 has dismissed the acquittal appeal and the appeal filed by the accused has been allowed in part by reducing the substantive sentence imposed upon the appellants for offence under Sections 147, 148, 149, 325/149, 307/149 of IPC and Section 3 (2)(v) of the SC/ST Act and upon the appellants Dinesh and Puran Solanki for offence under Section 25(1)(d) and 27 of the Arms Act to the period already undergone by them.
5. Learned counsel for the applicant would further submit that in the present case, the Appellate Court has completely ignored to consider

the statutory scheme of Section 12 of the Act of 2015 which itself is *pari materia* of Section 12 of the Act of 2000 while considering the application for grant of bail under Section 12 of the Act of 2015. He would further submit that the applicants have been falsely implicated in the present case. They have no criminal background. Order passed by the Court below is improper and contrary to the law. He would further submit that in view of provisions contained in Section 12 of the Juvenile Justice Act, the applicants deserve to be released on bail. The applicants who are in juvenile are in custody since 28-12-2023 and they have completed 2 years, one month and 12 days when the order dated 9-2-2026 was passed and would pray for releasing the applicants on bail.

6. Per contra, learned counsel for the State opposing the aforesaid submission would submit that the order passed by the court below being fully justified and in accordance with the provisions of Section 12 of the Act does not warrant any interference and the instant revision deserves to be dismissed. He would further submit that one of the - accused has past criminal antecedents and he has been charged in connection with Crime No. 555 of 2023 for commission of offence under Sections 294 and 506/34 of IPC, therefore, they are not entitled to be released on bail.
7. I have heard learned counsel for the parties and perused the record.
8. From perusal of the impugned order, it is quite vivid that at the relevant time, when the order of rejection of the bail application was passed by the Juvenile Justice Board on 23-7-2005 against which an appeal was preferred before the learned Additional Sessions Judge, FTC Raipur which has been dismissed on 22-11-2025, and seven other accused persons namely Vijay Rathore, Dinesh Solanki, Rohit Solanki, Amit

Solanki, Puran Solanki, Hari Rathore and Ratan Solanki have preferred an appeal which was heard by Hon'ble Division Bench of this Court and the complainant has also filed an acquittal appeal before the Hon'ble Division Bench and the matter was finally decided on 9-2-2026 wherein the Hon'ble Division Bench has reduced the substantive sentence imposed on the appellants for the offence punishable under Sections 147, 148, 149, 325/149, 307/149 of IPC and Section 3 (2)(v) of the SC/ST Act and upon the appellants Dinesh and Puran Solanki for offence under Section 25(1)(d) and 27 of the Arms Act to the period already undergone by them. Considering the fact that the present applicants who are juvenile are in custody since 28-12-2023 whereby they have already completed more than 2 years, 1 month and 20 days as of now, therefore, I am of the view that the impugned order passed by the learned Additional Sessions Judge could not be sustained and is therefore, set aside and the application filed under Section 12 of the Act is allowed. Accordingly, the applicants shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-, each by the parents or guardians of the applicants, as the case may be, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.

9. The revision is accordingly allowed.

Sd/-

(Narendra Kumar Vyas)

JUDGE