

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1076 of 2015**

Girish Dheemar S/o Ranvir Dheemar, aged about 17 years, R/o Bangoli,
Thana - Kharora, Distt. - Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, through District Magistrate, Raipur, Police Station
Kharora, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vikram Singh, Advocate
For Respondent/State	:	Smt. Madhunisha Singh, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****29.04.2016**

The instant Criminal Revision has been filed under Section 53 of Juvenile Justice (Care and Protection of Children) Act challenging the order dated 10.11.2015 passed by the Upper Sessions Judge (FTC), Raipur in Criminal Appeal No.217/15. By the said order, the Session Court has dismissed the Criminal Appeal preferred by the Applicant against the order dated 05.11.2015 passed by the Principal Magistrate, Juvenile Justice Board, Raipur in Crime No.275/15 refusing to grant bail.

2. Counsel for the applicant submits that the applicant is a minor and he is in custody since 26.10.2015. He submits that it is a case of love affair between the applicant and the prosecutrix and it is also an admitted position that it was the prosecutrix who had voluntarily gone to the house of the applicant. This by itself

is sufficient indication that it was a consensual act.

3. However, counsel for the State opposes the revision on the ground that the prosecutrix is a minor aged about 17 years and therefore, her consent would not be of much relevance.

4. Considering the total facts and circumstances of the case and the nature of allegation levelled against the applicant, this Court is of the opinion that it is not a fit case where the applicant could be released on bail particularly when the trial is going on and is at evidence stage.

5. Thus, this Court does not find any illegality or infirmity in the impugned orders passed by the two Courts below. Accordingly, the instant criminal revision being devoid of merit is rejected.

Sd/-

P. Sam Koshy

Judge