

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 390 of 2016

Bheem Vanskar @ Manglu S/o Shri Salikram, aged about 15 years,
R/o Bandhawapara, near Dreamland School, PS Sarkanda District
Bilaspur (CG) through natural guardian his mother Smt. Sumira Bai

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police
Station - Sarkanda, District Bilaspur (CG)

---- Respondent

For Applicant	:	Shri Shivang Dubey, Advocate.
For Respondent-State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20/09/2016

The present Criminal Revision has been preferred challenging the order dated 29.03.2016 passed by the Additional Sessions Judge (FTC), Bilaspur in Criminal Appeal No.40/2016 whereby the Additional Sessions Judge has affirmed the order of the Juvenile Justice Board, Bilaspur dated 25.02.2016 rejecting the bail application preferred by the applicant in Criminal Case No. 212 of 2016.

2. Counsel for the applicant submits that it is a case where there are three accused persons namely Aman @ Billu, Om Prakash @ Butaru and the present applicant. According to the counsel for the applicant, the FIR which was lodged on 14.01.2016 does not reflect any act to have been committed by the present applicant on the said day i.e. 14.01.2016, on which date the alleged rape is said to have been committed upon the prosecutrix only by Aman and Bhutaru. However, at the time of lodging

of the said FIR the prosecutrix had also made a statement that on 05.01.2016 she was earlier also taken by accused Aman to the house of Bhutaru where all the three accused persons are said to have ravished her.

3. On a specific query being put to the Govt. Advocate he fairly submits that so far as the incident of 05.01.2016 is concerned, the prosecutrix has not made any report against the said incident neither to her parents nor to the Police authorities.

4. Counsel for the applicant at this juncture submits that the applicant has already remained in observation home for a period of more than nine months and therefore considering all these facts he may be enlarged on bail taking into consideration the provisions of Section 12 of the Juvenile Justice Act.

5. Considering the total facts and circumstances of the case particularly the fact that the Applicant is a juvenile and has already remained in custody for more than nine months, in addition the statement of the victim that on 14.01.2016 the applicant was not among the other accused while she was ravished, this Court is of the opinion that it is a fit case where he can be released on bail.

6. Accordingly, the Criminal Revision is allowed. The impugned order dated 29.03.2016 is set aside. It is directed that the present Applicant shall be released on bail on his and one of his guardian furnishing a personal bond for the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court, for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE