

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 156 of 2017

Sourabh Chandra S/o Suraj Chanda, Aged About 16 Years 06 Months, Through His Father Suraj Chandra, S/o Harilal Chandra, Aged About 40 Years R/o Village Bardula (Kosir) Tahsil Sarangarh District Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Kosir, Tahsil Sarangarh, District Raigarh Chhattisgarh

---- Respondents

Shri Atanu Ghosh, counsel for the applicant/s.
Shri Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/03/2017

Applicant is a juvenile and has been apprehended and sent to observation home by the Juvenile Unit on the allegation of commission of offence under Section 376 (2) (झ) and (ञ) of IPC and Sections 3, 4, 14, 18 of POCSO Act and Section 67, 67 (a), (b), 77 (b) of IT Act.

2. Case of the prosecution is that the applicant came in contact with the prosecutrix and gave her a drink with intoxicated substance due to which, the girl fainted and thereafter, the applicant committed rape on her and then prepared a video of the entire episode and started blackmailing the girl that if she will not accept his wishes, he will upload the video on internet.

3. Learned counsel for the applicant submits that in the absence of there being any specific material or circumstances of the case warranting conclusion that release of the applicant would bring him in association with any known criminals or is likely to expose him to moral, physical and psychological danger or would otherwise defeat the ends of justice, applicant is entitled to grant of bail in view of statutory mandate provided under Section 12 of the Juvenile Justice (Care and

Protection of Children) Act, 2015 (for short 'the Act of 2015').

3. On the other hand, learned State counsel submits that the manner in which the applicant committed offence shows the mental age than the actual one. The act of the applicant also shows mental depravity and also taking into consideration the social investigation report that the applicant is in bad company and if he is released on bail, he is likely to be exposed to moral, physical and psychological danger and may also come in contact with known criminals, he may not be released on bail.

4. Taking into consideration the submission of learned counsel for the parties, the manner in which offence is alleged to have been committed and attempt made by the applicant to blackmail the prosecutrix by preparing video of the sexual act between the applicant and the prosecutrix and further taking into consideration the social investigation report, inference drawn by the Courts below that the applicant should not be released at this stage and should continue only in observation home, I am not inclined to release the applicant on bail.

5. In view of above, the revision is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge