

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 981 of 2016

Mahesh Kumar Dhobi S/o Peelaram Aged About 17 Years 6 Months, Minor Through Natural Guardian- Father Peelaram S/o Chhatram, Aged About 55 Years, R/o Nehru Nagar, Batari, Dipka, Police Station - Dipka, Tahsil- Katghora, Civil & Revenue District- Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station A.J.K. Korba, District Korba, Chhattisgarh.

---- Respondent

Shri Dharmesh Shrivastava, counsel for the applicant.
Shri B.Gopakumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2017

This revision arises out of order dated 15/09/2016 passed by the Court below by which rejection of application for grant of bail by the Juvenile Justice Board has been affirmed in appeal.

2. The applicant herein is a juvenile, aged approximately 17 years and 6 months. The allegation against the applicant is that the applicant dragged the prosecutrix who is stated to be about 7-8 years of age and thereafter, committed rape on her.

3. Learned counsel for the applicant prays for grant of bail and submits that the applicant being a juvenile is entitled to grant of bail unless there is specific material to warrant rejection on three grounds as stated in Section 15 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015'). According to him, the material on record does not justify the grounds that his release will bring him in association with known criminals or will expose him to, moral, physical and psychological danger or defeat the ends of justice.

4. On the other hand, learned State Counsel opposes prayer for grant of bail and submits that the manner in which the applicant committed offence of rape on a girl aged about 8 years and the kind of injuries sustained by the girl shows applicant's depravity of mind and if he is released, he is likely to be exposed to psychological danger.

5. On earlier dates of hearing, both the counsel were directed to place before the Court, the assessment report as envisaged under Section 15 of the Act of 2015. Learned counsel for the parties were asked whether upon submission of assessment report, the Board has directed trial as an adult before the Children Court or whether Board itself is trying the applicant. Learned counsel for the parties are not in a position to make any definite statement.

6. Be that as it may, the manner of offence committed by the applicant on a girl of bare 8 years, the Courts below have rightly rejected the application. This Court is of the opinion that the applicant is likely to be exposed to psychological danger in the event of his release. Therefore, considering this aspect, I am not inclined to interfere with the order of the Court below. Revision is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

