

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 1060 of 2016

1. Minor Bholashanker @ Ravi S/o Mahesh Ram Aged About 17 Years Through Its Legal Representative S/o Mahesh Ram , S/o Shobharam, Aged About 45 Years, R/o Jamidarpara, Chhal Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.
2. Minor Balvindar S/o Samaru Aged About 17 Years Through Its Legal Representative S/o Samaru S/o Bhandar, Aged About 60 Years, R/o Village Raipara, Chhal, Police Station Chhal, Tahsil Dharamjaigarh, District Raigarh, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through District Magistrate Raigarh, Chhattisgarh.

---- Respondent

Shri Amit Singh, counsel for the applicant/s.
Shri B.Gopakumar, Dy.A.G. for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

09/01/2017

This revision arises out of order dated 02/07/2016 passed by the 2nd Additional Sessions Judge, Raigarh by which, order dated 16/03/2016 passed by the Juvenile Justice Board rejecting application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000 (for short 'the Act of 2000') has been affirmed.

2. Learned counsel for the applicant submits that the applicants are juvenile, less than 18 years of age and therefore, in these circumstances, in the absence of there being made out any ground enumerated under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (for short 'the Act of 2015') by the prosecution, the applicants are entitled to grant of bail as a matter of course which is a statutory mandate.

3. On the other hand, learned State counsel opposes prayer and submits that the

applicants are a part of gang of young boys who intercepted the prosecutrix who was going along with a person. They dragged the prosecutrix into the jungle and the person, who was along with her, was looted and thereafter, the prosecutrix was subjected to gang rape by each of the applicants.

4. The social investigation report shows that the applicants were in a bad company and they have left their schooling and there is no proper control by their family members and guardians over them and father of applicant – Bholashanker is paralysed.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration the manner in which the offence has been committed, company of the applicants, time of incident and that the girl has been gang raped and further the social investigation report, nature of offence and material on record, this Court is of the opinion that in the event of release of the applicants, they may be exposed to psychological danger. Therefore, I am not inclined to interfere with the order of the Court below.

6. Revision is accordingly dismissed.

**Sd/-
(Manindra Mohan Shrivastava)
Judge**