

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 212 of 2017

- Rohit Kumar Korwa S/o Gajendra Korwa, Aged About 17 Years R/o Qtr. No. 838, Block No. 53, Housing Board Colony, Boriyakala, Police Station Mujgahan, Raipur, District Raipur, Chhattisgarh. Through Natural Guardian His Father Namely Gajendra Korwa. -- **Applicant**

Versus

- State of Chhattisgarh through District Magistrate Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Wasim Miyan, Advocate
For the State	:	Mr. Ramakant Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

17.04.2017

1. This is a revision against the order dated 01.02.2017 passed by the Additional Sessions Judge, Raipur in Criminal Appeal No.24/2017 whereby the order passed by the Juvenile Justice Board dated 11.01.2017 in Criminal Case No.487/2016 was affirmed.
2. As per the prosecution case, a report was made by the parent of the victim girl aged about 16 years that on 17.09.2016 he went for performing his job along-with his wife leaving their daughter and son alone in the house. When he came back, the daughter was not available and on 18.9.2016 she came back of her own and on asking it was stated that the present applicant on the pretext of marriage has committed sexual intercourse for the last 3 months, thereby the rape has been committed. On the basis of the report, the investigation was carried out and the offence u/ss 363, 366 & 376 read with section 3(A) & 4 of the Protection of Children from Sexual Offence Act was registered. After the applicant was apprehended, the bail petition preferred by him was dismissed by the Juvenile Justice Board on

11.01.2017.

3. Learned counsel for the applicant submits that the applicant was also minor and both the applicant and victim fell in love with each other. He further submits that no criminal background or antecedents are attached to the applicant, therefore, he may be enlarged on bail.
4. The State Counsel has filed Social Investigation Report which shows that the applicant could not complete his education and he was made to understand about the things. Further It has been reported that there is no likelihood if the applicant is released he will come in contact with with criminals and due to adolescent age, such offence has been committed. The investigation report further shows that since the mother and father both are engaged for their livelihood as such they could not have proper control over the boy.
5. Considering such report, the case diary as also the statement of the victim and further taking into degree of allegations levelled against the applicant and the fact that no threat has been projected in the event of his release as appears from the social investigation report, I am inclined to allow this revision. Consequently, the revision is allowed and the orders dated 01.02.2017 & 11.1.2017 passed by the appellate court and juvenile board respectively are set aside. The applicant is directed to be released on bail on furnishing a surety in sum of Rs.25,000/- by the father of the applicant before the Juvenile Justice Board.

Sd/-
GOUTAM BHADURI
JUDGE