

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 297 of 2017

Gata Kumar Ajay, S/o. Late Gautam Ajay, Aged About 17 Years, R/o. Village Bharbhata, Police Station Sarsinwa, District Balodabajar – Bhatapara, Chhattisgarh, Through its Natural Guardian : Jagjeevan Kumar Khatkar, S/o. Bhakalu Ram Khatkar, R/o. Village Kot, Post Pendrawan, Tahsil Bilaigarh, District Balodabazar – Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate Balodabazar, District Balodabazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.L.Sahu, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.05.2017

Heard

1. This revision is against the order dated 10.02.2017 passed in Criminal Appeal No.H-09/2017 whereby the bail application preferred by the applicant was dismissed. By such dismissal order, the application for bail which was dismissed by the Juvenile Justice Board on 11.01.2017 was affirmed.
2. As per the prosecution case, one Chheduram Tandon made a report that on 21.12.2016 the present applicant has enticed away his daughter who was minor. Subsequently, during investigation, it was found that on the pretext of marriage, the applicant has committed forceful sexual intercourse with the girl; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the father of the applicant is dead, his mother goes for job out of State, thereafter at the instance of the victim/girl, the applicant joined her company, which was not at the instance of the present applicant and no any previous offence is registered against him.
4. Learned State counsel was directed to place on record the social investigation report.
5. Perusal of the social investigation report would show that the father of the applicant has died 6-7 years back and mother used to go out of State to earn her livelihood and the applicant has to look after his younger brothers, therefore, he came in contact and it is stated that no other offence is registered against him and it suggests that he has to rehabilitate at his home.
6. Perused the statement of the girl also, which was recorded before the Child Welfare Committee. Considering the social investigation report and the statement of the girl, I am inclined to extend the benefit of bail to the present applicant and accordingly both the orders passed by the Courts below i.e. order dated 11.01.2017 & order dated 10.02.2017 are set aside.
7. In the result, the revision is allowed. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his mother to the satisfaction of the concerned Juvenile Justice Board for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge