

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 475 of 2017

Sahil Soni @ Hritik S/o Shri Shailendra Soni, Aged About 16 Years R/o Subhash Nagar, Dewarpara, Police Station Telibandha, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate, Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri N.Naha Roy, Advocate.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

7/07/2017

1. This revision is against the order dated 17th April 2017 passed by the Additional Sessions Judge, Fast Track Court, Raipur (C.G.) in Criminal Appeal No.104/2017. By such order rejection of bail order dated 22/03/2017 was affirmed which was passed by Juvenile Justice Board.
2. Brief facts of this case are that on 19/10/2016 a missing report was made by father of the victim/minor girl that her daughter is missing since 16/10/2016. Subsequently, she was recovered from the possession of the applicant on 20/02/2017. On investigation it revealed that the applicant who is minor boy also enticed the girl who is also minor from the lawful custody of her parents and committed sexual intercourse. Thereby, offence has been committed.
3. Learned counsel for the applicant would submit that the girl was residing in the house of the applicant for last 5 months and it was known to them and they had infact performed marriage. However, subsequently the father of the girl has lodged report and they were residing nearby, therefore there was no concealment and the facts would show that the girl was in the house of the applicant. It is further submitted that release of the applicant

would not bring him in association with any known criminal or will expose him to moral, psychological and physical danger, therefore the applicant who is juvenile is in captivity since 22/02/2017 may be extended benefit of bail.

4. Learned State counsel placed the social investigation report.

5. Social investigation report would show that mother and father of the applicant have separated for last 7 years and the applicant who is minor is working as waiter in some restaurant and used to earn Rs.250/- and out of that he was living. Social investigation report also suggest that the place wherein applicant is living is slum wherein primary amenities for living are also absent. It also suggest that the applicant and the girl were in love relation for last 5 years and during such transition period of the minor from adolescent to major offence has been committed, no offence is registered against the applicant. It also suggest that release of the applicant would not expose him to moral, psychological and physical danger. Perused the case diary as also the circumstances which suggest that girl was recovered from the house of the applicant and social investigation report do not suggest that on release of applicant there is likelihood to bring the applicant in association with any known criminal or will expose him to moral, psychological and physical danger and if released would not defeat the ends of justice. Considering such social investigation report and facts of the case, I am inclined to allow this revision and release the applicant on bail.

6. Consequently, revision is allowed and order dated 17th April 2017 is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE

