

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 594 of 2017

Ku. Sapna Sarkar, D/o. Krishna Kumar Sarkar, Aged About 14 Years, R/o. Sumit Nagar, Ishwar Nigar, Naharpara, Police Station Tikrapara, District Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondents

For Applicant : Smt. Indira Tripathi, Advocate.

For State : Shri Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.07.2017

Heard

1. This is a revision against the order dated 16.05.2017 passed in Criminal Appeal No.130/2017 whereby the order of rejection of bail by the Juvenile Justice Board, Raipur, dated 24.04.2017 was affirmed by the learned appellate Court.
2. As per the prosecution case, a report was made by one Sobhit Ram Kurre on 09.03.2017 that her minor daughter is missing from 07.03.2017. Thereafter, investigation was carried out and the girl was recovered on 09.04.2017. On investigation, it revealed that before the Holi festival, the present applicant, who is minor, had introduced the victim girl with one Manju Harpal. Subsequently, she was pressurized by the present applicant, thereby, she left her house and went to the house of Manju Harpal wherein she was kept in captivity and subjected to prostitution by different persons;

thereby, the applicant alongwith other co-accused has committed the offence.

3. Learned counsel for the applicant would submit that the victim girl initially went of her own and only on the allegation that earlier the present applicant had introduced the victim girl with one Manju Harpal, she has been inculpated. It is further submitted that she was neither party to the entire incident nor has committed any offence and she is minor, therefore, she may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the statement of the victim wherein she stated that she went of her own on 07.03.2017 into the house of Manju Harpal and earlier to that she was introduced to Manju by the present applicant and she stayed in the house of Manju Harpal alongwith the present applicant. Perused the social investigation report wherein it is stated that the behaviour of the applicant girl is normal with the family members, friends and neighbour and report suggests that there should have been better control by the parents of the applicant over the girl. The social investigation report also do not suggest that on release of the applicant there would be chances of that she will come in contact with the known criminal or release will expose the applicant to moral, physical and psychological danger. Therefore, considering the facts of the case and statement of the applicant & victim and further taking into the role played by the applicant, I am inclined to release the present applicant on bail. Consequently, both the orders passed by the learned Courts below i.e. order dated 24.04.2017 and order dated 16.05.2017 are set aside.

6. In the result, the revision is allowed and it is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by her father/parents to the satisfaction of the concerned Juvenile Justice Board for her appearance as and when directed.
7. Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge