

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 768 of 2017**

Sonu Sahu, Aged 18 Years 6 months S/o Pekhanlal Sahu, Through Natural Guardian Dhaniram Sahu, R/o Village Matia, Police Station Bhatapara (Gramin) District Balodabazar Bhatapara (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Balodabazar, District Baloda Bazar Bhatapara (Chhattisgarh).

---- Respondent

For applicant - Shri Bharat Lal Dembra, Advocate.
For Respondent/State –Shri Suryakant Mishra, PL

Hon'ble Shri Justice Goutam Bhaduri**Order****5/09/2017**

1. This revision is against the order dated 21/07/2017 passed by the Sessions Judge, Baloda Bazar in Criminal Appeal No. 52/2017 whereby order dated 28/06/2017 passed by the Juvenile Justice Board was affirmed wherein bail application of the applicant was dismissed.
2. Brief facts of this case are that a report was made by the victim on 26/04/2017 that the applicant in the month of August, 2016 entered into her house and against her wish committed sexual intercourse and thereafter it continued for 4-5 times whereby the victim became pregnant. Subsequently, after 7 months and 15 days on 22/04/2017 a baby was born since it was weak it died. Thereafter, on the report of the victim case was registered under section 376 of IPC and under 4 and 6 of Protection of Children from Sexual Offence Act, 2012. During pendency of this case before Juvenile Justice Board an application was preferred under section 12 of Juvenile Justice (Care & Protection of Children) Act, 2015 which was dismissed. Thereafter, the appeal was preferred. The appellate court too

affirmed the order of dismissal of the bail by its order dated 21/07/2017 which is now under challenge before this court.

3. Learned counsel for the applicant would submit that the victim and the applicant were in love relation and out of such love relation she became pregnant and it was not disclosed. Subsequently, after 7 months a child was born. Thereafter, report was made. It is submitted that no case is made out as no specific averment have been made against the applicant. He further submits that social investigation report also was in favour of the applicant, however trial court failed to look into it, thereby illegality has been committed and therefore the applicant may be extended benefit of bail.

4. Learned State counsel was directed to call for the case diary and the social investigation report.

5. Social investigation report reveals that both family of the applicant and the girl are neighbours and the applicant was working in the thela of chat and also used to support in the house hold expenses. Social investigation report also suggest that the boy and the girl were in relation for last 1-2 years and at the instance of the girl the boy used to visit her and they developed love relation and physical relation. Therefore, the girl became pregnant and thereafter baby was born of 7 months but it eventually died. Social investigation report also suggest that such physical relation was not disclosed by the girl to anyone and when she had pain in her abdomen she was taken to the hospital wherein baby was born and in the toilet the baby was left. Subsequently, on enquiry it revealed that child was begotten to the victim. Social investigation report also suggest that behaviour of the applicant is normal and also he repents for his act done and no complaint was received. Social investigation report therefore suggest that the boy may be rehabilitated with the family. 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. Considering the facts of the case, it appears that release of the applicant would not defeat the ends of justice. Considering such social investigation report, I am inclined to allow this revision and release the applicant on bail.

6. Consequently, revision is allowed and order dated 21/07/2017 passed by the Sessions Judge, Baloda Bazar in Criminal Appeal No. 52/2017 is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father 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