

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 779 of 2017**

- Juvenile In Conflict With Law Through Father Paulush Toppo S/o Chhappan Say Toppo, Aged About 42 Years, R/o Bhauta, P. S. Jhagrakhand, Tahsil Manendragarh, District Korea, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Jhagrakhand, District Korea, Chhattisgarh.

---- Respondent

For Applicant	:	Dr. Shailesh Ahuja, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****08/09/2017**

1. Heard.
2. This revision is against the order dated 07.07.2017, passed by the Additional Sessions Judge (FTC), Baikunthpur, District Korea, in Criminal Appeal No.36/2017, whereby the application of bail, which was dismissed by the Juvenile Justice Board on 25.05.2017 was affirmed.
3. As per the case of the prosecution, father of the victim had lodged a report that on 23.04.2017 her daughter on the pretext of going to her sister's house had gone out and had not come back, therefore, the apprehension was made that enticing the girl someone has taken away. Subsequently, from the possession of the applicant on 23.04.2017, the girl was recovered. On an enquiry it was revealed that the applicant had enticed the girl and took

her with him and the applicant has committed forceful sexual intercourse with the girl.

4. Learned counsel for the applicant would submit that the victim/girl and the applicant they were student of the same class and had developed love relation. At the instance of the girl, both of them eloped and went to their relatives house and the Social Investigation Report also suggests that in case he is released on bail he will not come into association of any known criminal, and it will not adversely affect the moral, physical & psychological attitude of the applicant, therefore, the applicant who is in captivity since 28.04.2017, may be released on bail.
5. Perused the statement of the victim/girl, wherefrom it appears that both of them were in love relation and she herself had joined the company of the applicant, went along with him and thereafter stayed in the house of their relative. Social Investigation Report also seen, which suggest that the behaviour of the boy is normal and the neighbours also stated that the behaviour of the boy was good and it also suggests that both of them were in love relation and the applicant has no past track record. Further the Social Investigation Report suggests that once the mistake has been committed, therefore his mother & father were advised to take care of the boy and the boy may be handed over to the mother and father and the report do not suggest that on release of the 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 his release would not defeat the ends of justice. Considering the social investigation report, I am inclined to allow this revision and release the applicant on bail.
6. Consequently, the revision is allowed and order dated 07.07.2017, passed

by the Additional Sessions Judge (FTC), Baikunthpur, District Korea, in Criminal Appeal No.36/2017 is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25000, which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Sd/-

Goutam Bhaduri

Judge

Ashu