

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1167 of 2016**

Ajay Kumar Verma S/o Narayan Verma Aged About 17 Years R/o Village Girra, Police Station And Tahsil Palari, Civil And Revenue District Baloda - Bazar - Bhatapara Chhattisgarh Juvenile Minor Through Legal And Natural Guardian Father Narayan Verma, S/o Chandulal, Aged 39 Years, R/o Village Girra, Police Station And Tahsil Palari, Civil And Revenue District Balodabazar - Bhatapara Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Baloda Bazar, Civil And Revenue District Baloda - Bazar - Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Mr.J.R. Verma, Advocate
For State	:	Mr. D.R. Minj, Dy. G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****16/01/2017**

Heard.

1. This revision petition arises out of order dated 08.12.2016 by which Appellate Authority has affirmed the order of rejection of application for grant of bail moved by the juvenile.
2. Learned counsel for the applicant submits that the applicant is alleged to have committed offence under Section 363, 376 of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution is that the applicant had taken the prosecutrix to his house and it is alleged that on more than one occasion, the applicant committed sexual intercourse with the prosecutrix, who is minor in age.
4. Learned counsel for the applicant submits that even according to the statement of prosecutrix, the applicant and prosecutrix were having

long standing relations which itself indicates an affair between the applicant and the prosecutrix. He submits that in the social investigation report or in any other reports before the Court, there is nothing on record to show that in the event of grant of bail, his release is likely to expose him to moral, physical and psychological danger, or would bring him in association with any known criminals or would otherwise defeat the ends of justice. Lastly, it is submitted that there is nothing on record to show that in the event of grant of bail, the applicant is likely to abscond or tamper with the prosecution witnesses. It is argued that normal rule of grant of bail of Section 12 of the Act of 2015 is liable to be followed.

5. On the other hand, learned State counsel submits that the applicant having committed offence of rape with a minor girl itself shows that the applicant suffered from mental depravity.

6. The statement of the prosecutrix shows that on more than one occasion, she and applicant had sexual relations. This prima facie indicates that the applicant and the prosecutrix had some affair. Except this, there is no other material either in the social investigation report or in the report of any other authority to indicate that the applicant suffers from any mental depravity or his release will expose him physical, mental or physiological danger. The background of the applicant also does not indicate that he is in any position to tamper with the prosecution witnesses, therefore, in these circumstances, the normal rule of bail as mandated under Section 12 of the Act of 2015 is required to be followed.

7. In view of the above, the impugned order is set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond in the sum of Rs.10,000/- by either father or mother of the applicant, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-

(Manindra Mohan Shrivastava)
Judge