

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 39 of 2018**

Aman @ Gullu Bargaha, S/o Umesh Kumar, aged about 17 years
Through: Guardian/Father- Umesh Kumar, S/o Masat Ram, aged
50years, R/o Village Petala (Baigapara) P.S. Sitapur, District (C.G.).

----Applicant**Versus**

State of Chhattisgarh, Through: District Magistrate Ambikapur, District-
Surguja (C.G.).

---- Respondent

For Applicant	:	Mr. Nishi Kant Sinha, Advocate
For Respondent	:	Mr. R.K. Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10/01/2018**

1. This revision arises out of judgment dated 19/12/2017 passed in Criminal Appeal No. 83/2017 by the Sessions Judge, Ambikapur (Surguja), by which the learned Sessions Judge has rejected the appeal arising out of the order rejecting Applicant's application for grant of bail under Section 12 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act of 2015').
2. Brief facts of the case are that on 12/08/2017, Sukhdev, father of the prosecutrix (aged about 16 years) has lodged a report in Police Station- Sitapur regarding missing of her daughter. During inquiry, the prosecutrix was found at the house of Applicant's uncle and aunt along with the

applicant. It is alleged that the applicant, by offering lure of marriage, had taken the prosecutrix and committed sexual intercourse with her. After investigation, charge-sheet under Section 363, 366 (A), 376 (2), 366 and 115 of the Indian Penal Code, Sections 17, 5 (L) and 7 of the POCSO Act, and Sections 3 (2-5) of ST/SC Act was filed before the Juvenile Justice Board. The application filed under Section 12 of Juvenile Justice Act 2015 has been rejected by the Juvenile Justice Board vide order dated 30/11/2017. The applicant preferred an appeal under Section 101 of Juvenile Justice Act, 2015, which was also rejected as mentioned in para 1 of this order.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is a juvenile and he is in custody since 23/08/2017. Charge-sheet has been filed and social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report.
6. I find that the social investigation report does not suggest that released of the Applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on release of the Applicant, there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.

7. Considering the nature of allegation, facts of the case and the fact that the Applicant is in custody since 23/08/2017 and charge-sheet has been filed, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 19/12/2017 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 before the Board as and when directed by the said Board.

Sd/-

(Arvind Singh Chandel)
Judge