

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 78 of 2018**

Rohit Kumar Yadav S/o. Itwari Ram, aged about 17 years, R/o Village- Mudiyadih, Chowki Sirpur, Police Station – Tumgaon, Tahsil & Distt. Mahasamund (C.G.), through Natural Guardian father- Itwari Ram.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station- Tumgaon, District- Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Utkal Pradhan, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**04/07/2018**

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015') against the judgment dated 22/12/2017 passed by the Additional Sessions Judge, Fast Track Court, Mahasamund (C.G.) in Criminal Appeal No. H-62/2017, by which the Sessions Judge has rejected the appeal arising out of the order dated 22/11/2017 dismissing his bail application passed in Crime No. 177/2017, Police Station- Tumgaon by the Juvenile Justice Board, Mahasamund (C.G.).
2. As per prosecution story, it is alleged that the applicant committed rape with the prosecutrix on the pretext of marriage at his house. Offence was registered under Section 363, 366 and 376 of IPC and

Section 4 of the POCSO Act. The applicant was arrested on 04/11/2017. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Mahasamund which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence this revision.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix was the consenting party and she herself had left her house. He further submits that the applicant is a juvenile, aged about 17 years, he is in custody since 04/11/2017 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 and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. In the case in hand, the report of Probation Officer 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 observation home since 04/11/2017, I am inclined to allow this revision and release the Applicant on bail.

8. Consequently, the revision is allowed and the impugned judgment dated 22/12/2017 is set-aside. It is directed that the Applicant shall be released on bail on furnishing two sureties each 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