

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 981 of 2017**

1. Manoj Netam S/o Shri Bijuram Netam, aged about 16 years through Natural guardian Father Shri Bijuram Netam S/o. Mahraram, aged about 40 years R/o. Village- Ankhiharra, Thana & Tahsil- Narharpur, Civil & Revenue Distt. - North Baster Kanker, (C.G.).
2. Kheman Kumar Kunjam S/o. Shri Sanjay Kunjam, aged about 15 years, through Natural Guardian mother Smt. Chamrin Kunjam W/o. Shri Sanjay Kunjam, aged about 36 years, R/o. Village- Ankhiharra, Thana & Tahsil – Narharpur, Civil & Revenue Distt. - North Baster Kanker, (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate Kanker, District- North Baster, Kanker (C.G.)

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****18/04/2018**

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 04/10/2017 passed by the Additional Sessions Judge/Special Judge (POCSO Act), North Bastar, Kanker in Criminal Appeal No. 08/2017, by which the Additional Sessions Judge has rejected the appeal arising out of the order dated 12/07/2017 dismissing his bail application passed in Criminal Case No. 35/2017 by the Juvenile Justice Board, Kanker.

2. Brief facts of the case are that mother of the prosecutrix, Smt. Santosh Yadav had lodged a report at Police Station- Narharpur on 21/06/2017 with the averment that on 20/06/2017 at about 9:00 pm, when her daughter (prosecutrix) went to see the TV program at the house of neighbour, on the way, the applicants caught hold her and taken her through Motor cycle outside of the village and committed forceful sexual intercourse with her. They left the prosecutrix near the village school. The prosecutrix narrated the incident and the matter was reported. Offence has been registered and the applicants were arrested on 21/06/2017. The applicants filed an application under Section 12 of the Act, 2015, 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 applicants submits that the applicants are juvenile and they are in custody since 21/06/2017. It is further submitted that the charge-sheet has already been filed, trial will likely to take some time to conclude and social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they 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 Applicants would expose them to moral, psychological and physical danger. The report also does not suggest that on release of the Applicants, there is likelihood of bringing them in association with any known criminal and their release would defeat the ends of justice.
7. Considering the nature of allegation, facts of the case and the fact that the Applicants are in custody since 21/06/2017, the charge-sheet has already been filed and trial will likely to take some time to conclude, I am inclined to allow this revision and release the Applicants on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 04/10/2017 is set-aside. It is directed that the Applicants shall be released on bail on their furnishing two-two sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge