

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 302 of 2018**

Raju @ Rajkumar Sahu (Juvenile), S/o Chandrika Sahu, aged about 16 years, through his legal/natural guardian Father Chandrika Sahu, S/o Shalik Ram Sahu, aged about 46 years, R/o.- Kachana Bhatapara, Post Office & Police Station- Vidhan Sabha, District- Raipur (C.G.).

---- Applicant**Versus**

State of Chhattisgarh through the District Magistrate, Raipur, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Shivendu Pandaya, Advocate
For Respondent	:	Mr. Sameer Behar, 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 26/02/2018 passed by the Special Judge/Juvenile Court/9th Additional Sessions Judge (POCSO Act), Raipur (C.G.) in Criminal Appeal No. 46/2018, by which the 9th Additional Sessions Judge has rejected the appeal arising out of the order dated 23/12/2017 dismissing his bail application passed in Crime No. 309/2017, Police Station- Vidhan Sabha, Raipur by the Juvenile Justice Board, Raipur.
2. Brief facts of the case are that mother of the prosecutrix, Smt. Devki

Sahu had lodged a written report on 14/11/2017 to the effect that on 13/11/2017 at about 10:00 am when the prosecutrix was going to school, the applicant came there and said to her that her mother was watching television in his house and she is calling her. Thereafter, the applicant taken away the prosecutrix at Khadan, Talab Mandir and committed rape forcibly. After returning to the home, the prosecutrix narrated the incident to her mother. The matter was reported and the FIR was registered. The applicant was arrested on 14/11/2017. The applicant 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 applicant submits that the applicant is a juvenile and he is in custody since 14/11/2017. It is further submitted that the charge-sheet has already 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 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 custody since 14/11/2017 and the charge-sheet has already 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 26/02/2018 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