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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.331 of 2018**

Rajesh Kumar, S/o Kashiram Satnami, aged about 16 years, R/o Village Godkhamhi, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Civil Lines, District Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Utsav Mahiswar, Advocate
For Respondent	: Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****2.5.2018**

1. This revision arises out of the judgment dated 13.2.2018 passed in Criminal Appeal No.21 of 2018 by the Additional Sessions Judge (FTC), Bilaspur, by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 4.1.2018 passed by the Juvenile Justice Board, Bilaspur rejecting the application for bail preferred by the Applicant who has been sent to observation home on 27.12.2017 in connection with Crime No.914 of 2017 registered at Police Station Civil Lines, Bilaspur for offence punishable under Sections 363 and 376(2)(झ) of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 7.12.2017, a report was lodged by Rekha Kurre, mother of the victim girl that on 6.12.2017 since afternoon her daughter (the victim), aged below 16 years had gone out of home and since then she is missing. On

the basis of the complaint, a missing report was registered. During inquiry, it was found that the Applicant had taken the girl away with him to the house of his *Mousi* (mother-in-law) where he also developed physical relationship with the girl. First Information Report (Crime No.914 of 2017) has been registered against the Applicant for the aforesaid offence and he has been sent to observation home. The application moved by him before the Juvenile Justice Board for grant of bail has been rejected and the appeal against the order of the Board has also been rejected. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that the Applicant is a juvenile. He has falsely been implicated in the case. There was a love relation between the girl and the Applicant. The Applicant never took her away with him nor did he commit sexual intercourse with her. He is in observation home since 27.12.2017. Charge-sheet has been filed. It is further submitted that the social investigation report dated 19.4.2018 also 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, the instant revision may be allowed and the Applicant 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 dated 19.4.2018 with utmost circumspection.

6. I find that the social investigation report does not suggest that release 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. Having considered the aforesaid facts and circumstances of the case, the submissions put-forth, the social investigation report and that the Applicant is in observation home since 27.12.2017, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed. The impugned judgment dated 13.2.2018 is set aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs.10,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the said Board as and when directed by the Board.

Sd/-
(Arvind Singh Chandel)
Judge