

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 430 of 2018**

Suryakant Sahu, aged about 16 years S/o Shri Ashok Sahu, through Natural Guardian Father- Ashok Sahu, R/o. Saddu, Capital City-2, P.S. Vidhan Sabha, Raipur, District- Raipur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through The Police Station Vidhaan Sabha, Raipur, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Keshav Prasad Gupta, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**07/08/2018**

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 06/03/2018 passed by the Sessions Judge, (POCSO Act), Raipur (C.G.) in Criminal Appeal No. 52/2018, whereby the Sessions Judge has rejected the appeal arising out of the order dated 16/02/2018 dismissing his bail application passed in Crime No. 11/2018, Police Station- Vidhan Sabha, Raipur by the Juvenile Justice Board, Raipur.
2. As per prosecution story on 06/01/2018, Suresh Tandon, father of the prosecutrix, aged about 13 years 4 months, lodged a missing report of her daughter, wherein, it was mentioned that her daughter was

missing since the morning of 04/01/2018. On 09/01/2018, the prosecutrix herself returned to her house. It is alleged that the present applicant had taken her to his relative house and where he committed sexual intercourse with her. Statement of the prosecutrix under Section 161 Cr.P.C was recorded and on that basis offence was registered. The applicant was arrested on 10/01/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Raipur 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 the applicant is innocent and has been falsely implicated in the present case. He further submits that as per the statement recorded under Section 161 Cr.P.C and under Section 164 Cr.P.C, the prosecutrix has named the name of one-Ajay not of present applicant. He further submits that the applicant is a juvenile, aged about 16 years, he is in custody since 10/01/2018, charge-sheet has been filed and the 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 his release, 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 are in observation home since 10/01/2018 and charge-sheet has been filed, I am inclined to allow this revision and release him on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 06/03/2018 is set-aside. It is directed that the applicant shall be released on bail on his 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