

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 433 of 2018**

Vikki Kumar Dhobi, aged about 17 years, Through: Legal Guardian Father Kartik Ram Dhobi, aged about 58 years S/o Panch Ram Dhobi, R/o Village Navapara, P.S. Urga, Tahsil Kartala, District- Korba (C.G.).

---- Applicant**Versus**

State of Chhattisgarh, Through: The District Magistrate Korba, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. G.R. Miri, Advocate
For Respondent	:	Mr. Sumit Jhanwar, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**17/07/2018**

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 05/04/2018 passed by the Special Judge (SC/ST Prevention of Atrocities) Act, Korba, District- Korba (C.G.) in Criminal Appeal No. 27/2018, by which the Sessions Judge has rejected the appeal arising out of the order dated 14/03/2018 dismissing his bail application passed in Crime Case No. 14/2018, by the Principal Magistrate, Juvenile Justice Board, Korba (C.G.).
2. As per prosecution story on 28/01/2018 at about 11-12 am, when the son of the complainant, aged about 9 years reached the place of occurrence, it is alleged that present applicant who is also a juvenile

committed unnatural sexual intercourse with the said boy. On the basis of report made by Prakash, father of the boy, the police has registered the offence and the applicant was arrested on 29/01/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Korba 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 that the applicant is a juvenile, aged about 17 years, he is in custody since 29/01/2018 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 29/01/2018 and charge-sheet has 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 05/04/2018 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