

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 459 of 2018**

Iqbal Khan S/o Late Ismile Khan, aged about 17 years, R/o Village- Kanpa, Police Station- Tumgaon, District- Mahasamund (C.G.) through Natural Guardian Smt. Mariyam Bee W/o Late Ismile Khan.

---- Applicant**Versus**

State of Chhattisgarh Through the Station House Officer, Police Station- Tumgaon, District- Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash Pradhan, Advocate
For Respondent	:	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**04/07/2018**

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 04/04/2018 passed by the Juvenile Court/Additional Sessions Judge, Fast Track Court, Mahasamund (C.G.) in Criminal Appeal No. H-31/2018, 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 No. 204/2017, Police Station- Tumgaon by the Principal Magistrate, Juvenile Justice Board, Mahasamund (C.G.).
2. As per prosecution story, it is alleged that the applicant has abducted, kidnapped and detained the minor prosecutrix, aged about 17 years

and during the detention period, he committed sexual intercourse with her. A report to this effect was made before the Police Station-Tumgaon, where the offence under Sections 363, 366, and 376 of IPC and Section 4 of the POCSO Act was registered. The prosecutrix was recovered on 01/03/2018 and the applicant was arrested. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Mahasamund 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 there was love relation between the applicant and the prosecutrix and both have performed marriage also and resided as husband wife. He further submits that in the statement of the prosecutrix recorded under Section 161 of Cr.P.C, she has categorically stated that she herself had left her house and was residing with the applicant as husband and wife. He further submits that the applicant is a juvenile, aged about 17 years, he is in custody since 01/03/2018 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 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. Considering the nature of allegation, facts of the case and the fact that in the statement of prosecutrix recorded under Section 161 of Cr.P.C., she has categorically stated that she herself had left the house and further considering that the applicant is in observation home since 01/03/2018, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 04/04/2018 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