

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 481 of 2018**

1. Aditya @ Dadu, aged about 13 years S/o Jagdish Sahu, through his natural guardian father Jagdish Sahu,

2. Vivek Kumar Verma, aged about 15 years S/o Taju Ram Verma, Through his natural guardian father Taju Ram Verma,

Both R/o Village Koteswar Nagar, Faras Gali, P.S. Saraswati Nagar, Raipur, District- Raipur (C.G.).

--- Applicants**Versus**

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

---- Respondent

For Applicants	:	Mr. Keshav Prasad Gupta, Advocate
For Respondent	:	Mr. Ramakant Pandey , PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**19/07/2018**

1. Counsel for the applicants submits that he does not want to press this revision on behalf of applicant No. 1.
2. As submitted, revision filed on behalf of applicant No. 1 is dismissed as not pressed.
3. 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 13/04/2018 passed by the Juvenile Board/7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 91/2018, by which the Sessions Judge has rejected the appeal

arising out of the order dated 31/03/2018 dismissing his bail application passed in Crime Case No. 89/2018, by the Juvenile Justice Board, Raipur.

4. As per prosecution story it is alleged that on 23/02/2018, both the applicants took away the prosecutrix, a girl aged about 5 ½ years with them at the house of Vivek for providing sweet, where applicant No. 1 committed unnatural intercourse with her. The prosecutrix narrated the incident to her mother. Thereafter, the offence was registered and the applicants were taken into custody. The applicants 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.
5. Learned counsel appearing on behalf of the applicant No. 2 submits that applicant No. 2 is innocent and has been falsely implicated in the present case. He further submits that applicant No. 2 Vivek has not played any active role and the only allegation against him is that applicant No. 2 committed sexual intercourse at his house. He further submits that applicant No. 2 is in custody since 24/02/2018, charge-sheet has 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.
6. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.

7. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
8. In the case in hand, the report of Probation Officer does not suggest that released of applicant No.2 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.
9. Considering the nature of allegation, facts of the case and the fact that applicant No.2 is in observation home since 24/02/2018 and charge-sheet has been filed, I am inclined to allow this revision and release applicant No. 2 on bail.
10. Consequently, the revision is allowed and the impugned judgment dated 13/04/2018 is set-aside. It is directed that applicant No. 2 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