

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 553 of 2018**

Bharat Kumar S/o Shri Khikh Ram Sahu, aged about 17 years through Natural guardian Father Shri Khikh Ram Sahu S/o. Shri Samaru Sahu, aged about 38 years R/o. Village- Kaitha, P.S. & Tahsil Bilaigarh, District- Balodabazaar-Bhatapara (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through District Magistrate Balodabazaar, District-Balodabazaar, Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Advocate
For Respondent	:	Mr. Sumit Jhanwar, 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 27/04/2018 passed by the IIIrd Additional Sessions Judge, Balodabazaar- Bhatapara (C.G.) in Criminal Appeal No. 49/2018, whereby the IIIrd Additional Sessions Judge has rejected the appeal arising out of the order dated 21/03/2018 dismissing his bail application passed in Crime No. 101/2018, Police Station- Bilaigarh by the Juvenile Justice Board, Balodabazaar.
2. As per prosecution story it is alleged that the prosecutrix is a girl aged

about 14 years residing with her grant mother. In the month of February, 2018, the present applicant, juvenile entered into her house and taking the benefit of loneliness committed sexual intercourse with her against her will and also threatened her to kill. On 28/01/2018, when the parents of the prosecutrix returned, she narrated the entire story and on 03/03/2018 FIR was lodged. Offence was registered and the applicant was arrested on 03/03/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Balodabazaar 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 the applicant is a juvenile, aged about 17 years, he is in custody since 03/03/2018, 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 is in observation home since 03/03/2018 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 27/04/2018 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