

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 603 of 2018**

Tuleshwar Singh @ Tuleshwar Singh @ Monu, S/o Dev Prasad Singh, aged about 17 years, R/o. Village Keptapara, P.S. Patna, District- Korea (C.G.) (not mentioned in the impugned order of learned Court below) through his legal guardian Rajmohan Singh S/o Jairam Singh, aged about 44 years R/o Village-Kochila, Police Station- Patna, Tahsil Patna, District- Korea (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, through – District Magistrate, Baikunthpur, Police Station-Patna, District- Korea (C.G.).

---- Respondent

For Applicant	:	Mr. Kaushal Yadav, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**18/09/2018**

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 18/05/2018 passed by the Additional Sessions Judge (FTC), Baikunthpur, District- Korea (C.G.) in Criminal Appeal No. 36/2018, whereby, the Additional Sessions Judge has rejected the appeal arising out of the order dated 26/04/2018 dismissing his bail application passed in Criminal Case No. 25/2018 by the Juvenile Justice Board, Baikunthpur, District- Korea (C.G.).
2. As per prosecution story, on 06/03/2018 the prosecutrix, a minor girl lodged a report alleging therein that she had love affair with the

present applicant and on 31/08/2016 the applicant, on the pretext of marriage, committed sexual intercourse with her. On the basis of the said report, offence has been registered and the applicant was taken into custody on 07/03/2018. He filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Baikunthpur 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 there was love relation between the applicant and the prosecutrix. The prosecutrix has been examined before the trial Court and has not supported the case of the prosecution. He further submits that the applicant is a juvenile, he is in custody since 17/03/2018 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 submitted the impugned order.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the applicant is in observation home since 17/03/2018, the prosecutrix, who was examined before the trial Court, has not supported the case of the prosecution 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, I am inclined to allow this revision and release him on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 18/05/2018 is set-aside. It is directed that the applicant shall be released on bail on his furnishing a bail bond of Rs. 25,000/- with one local surety of the like sum 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