

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 606 of 2018**

Siddhant Ilwadi S/o Devendra Kumar Ilwadi, aged about 15 years, Through his Natural Guardian (Father) Devendra Kumar Ilwadi S/o Deshraj Ilwadi, aged about 49 years R/o Harrakothipara, Sonpur Road, Narayanpur, Distt. Narayanpur, (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through: Aarakshi Kendra Narayanur, Distt. Narayanpur (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****10/09/2018**

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 16/04/2018 passed by the Additional Sessions Judge, Kondagaon (C.G.) in Criminal Appeal No. 26/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 07/03/2018 dismissing his bail application passed in Crime No. 14/2018, Police Station- Narayanpur, by the Juvenile Justice Board, Narayanpur.
2. As per prosecution story in the month of September and October of 2017, co-accused Vicky Gain committed forcible sexual intercourse

with the prosecutrix, a girl aged about 12-13 years. It is alleged that later on the present applicant also committed forcible sexual intercourse with her and on account of which, she got pregnant. FIR was lodged by the prosecutrix on 11/01/2018. Offence under Section 376 D and Sections 4 & 6 of the POCSO Act was registered against the present applicant along with other co-accused persons. The applicant was taken into custody on 12/01/2017. The present applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Narayanpur 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 main accused is Vicky Gain who actually committed rape with the prosecutrix. In her Court statement she has not supported the case of the prosecution against the present applicant. As per her statement, co-accused Vicky Gain committed sexual intercourse with her. He further submits that co-accused Viplay Mal has already been released by the coordinate Bench of this Court vide order dated 30/08/2018 passed in MCRC No. 6322/2018. He further submits that the applicant is a juvenile, he is in custody since 12/01/2018 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 12/01/2018, he is juvenile, he has no known criminal antecedent, co-accused Viplay Mal has already been released by the coordinate Bench of this Court vide order dated 30/08/2018 passed in MCRC No. 6322/2018 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, I am inclined to allow this revision and release him on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 14/06/2018 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