

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 689 of 2018**

Nandkumar Patel S/o Shri Kheek Ram Patel, aged about 16 years, minor/juvenile under home observation, through his legal heir Kheek Ram Patel, aged about 48 years S/o Late Jhaduram Patel, R/o Village- Dadarkhurd, Neeche Mohalla, Jagannath Mandir Ke pas, Chauki Manikpur, Tahsil and Distt. Korba (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through the District Magistrate, Korba, P.S. City Kotwali, Distt. Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Pushpendra Kumar Patel, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**20/08/2018**

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 07/05/2018 passed by the Additional Sessions Judge (FTC), Korba (C.G.) in Criminal Appeal No. 36/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 11/04/2018 dismissing his bail application passed in Criminal Case No. 26/2018 by the Juvenile Justice Board, Korba.
2. As per prosecution story father of the prosecutrix namely- Chhotelal lodged a missing report on 13/02/2018 against unknown person

alleging that his daughter is missing since 11/02/2018. Later on, daughter of Chhotelal, who is a minor girl was recovered from Sarvamangala Temple, Korba. After recording the statement of the prosecutrix, offence under Section 363 and 376 of the IPC and Section 6 of the POCSO and Section 3 (2) (5) of the SC/ST (Prevention of Atrocities) Act was registered. The applicant was arrested on 14/02/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Korba 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 prosecutrix herself left her house and herself returned. In the statement recorded under Section 164 of the Cr.P.C, the prosecutrix has not supported the case of the prosecution. The applicant is a juvenile, aged about 16 years, he is in custody since 14/02/2018, 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 14/02/2018 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 07/05/2018 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