

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 750 of 2018**

Devnath S/o Nohru, aged about 16 years, caste- Gond, R/o Village- Baghima,
Police Station- Rajpur, Distt. Balrampur- Ramanujganj (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, through District Magistrate Balrampur, Distt. Balrampur-
Ramanujganj (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. Bhaskar Pyashi, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****20/09/2018**

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 11/05/2018 passed by the Sessions Judge, Balrampur, Place- Ramanujganj (C.G.) in Criminal Appeal No. 26/2018, whereby the Sessions Judge has rejected the appeal arising out of the order dated 18/04/2018 dismissing his bail application passed in Criminal Case No. 11/2018 by the Juvenile Justice Board, Balrampur.
2. As per prosecution story, on 25/12/2016 at about 8:00 pm when the prosecutrix, a girl aged about 16 years was alone inside her house, it is alleged that the present applicant came there and on the assurance

that he will keep her as wife and will perform marriage, had committed sexual intercourse with the prosecutrix. The applicant committed sexual intercourse repeatedly for some days. When the prosecutrix got pregnancy of two months, she informed the incident to her parent. Thereafter, a village Panchayat was called, where the applicant denied all the allegation. Later on, a report was made in this regard and the offence was registered. The applicant was arrested on 06/01/2018. The present applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Balrampur 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 prosecutrix and the present applicant. There is delay in lodging the FIR. The applicant is a juvenile, he is in custody since 06/01/2018 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 06/01/2018, he is juvenile, he has no known criminal antecedent 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 11/05/2018 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