

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 769 of 2018**

Baleshwar @ Bleshwar @ Golu S/o Sukhram, aged about 17 years through his legal/natural guardian father Sukhram S/o Dular, aged about 45 years R/o Village- Thakurdeva, Chouki- Malhar, Police Station- Masturi, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Police Station- Masturi, District- Bilaspur, (C.G.).

---- Respondent

For Applicant	:	Mr. Tarun Dadsena, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14/08/2018

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 26/05/2018 passed by the Juvenile Court/ Additional Sessions Judge (FTC) (C.G.) in Criminal Appeal No. 111/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of the order dated 09/05/2018 dismissing his bail application passed in Criminal Case No. 104/2018 by the Principal Magistrate, Juvenile Justice Board, Bilaspur.
2. As per prosecution story, the prosecutrix, a minor girl, lodged a written report in police station- Masturi on 28/03/2018 to the effect that before 45 days, the applicant met with her and said he loves her and

committed sexual intercourse with her. It was also alleged that the applicant, once forcibly entered in to her house and committed sexual intercourse with her. When, the prosecutrix said that she will narrate the incident to her parents, then the applicant threatened her to kill. On the basis of said report, offence under Section 452, 506 and 376 of the IPC and Section 6 of the POCSO Act has been registered. The applicant was arrested on 29/03/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Bilaspur 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 and the FIR has been lodged by the prosecutrix in pressure of her parents. He further submits that the applicant is a juvenile, aged about 17 years, he is in custody since 29/03/2018, 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 29/03/2018 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 26/05/2018 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