

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 783 of 2018**

Sunil Sarthi, aged about 17 years S/o Dilip Sarthi, Through : Natural Guardian
 Father Dilip Sarthi, R/o. Changorabhata, Shri Ram Nagar, P.S. D.D. Nagar,
 Raipur, District- Raipur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station-
 Vidhansabha, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Keshav Prashad Gupta, Advocate
For Respondent	:	Mr. N.K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

23/08/2018

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 02/07/2018 passed by the Juvenile Court/7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 178/2018, whereby 7th Additional Sessions Judge has rejected the appeal arising out of the order dated 13/06/2018 dismissing his bail application passed in Crime No. 85/2018, Police Station- Vidhansabha, Raipur by the Juvenile Justice Board, Raipur.
2. As per prosecution story on 06/03/2018, the prosecutrix, a minor girl aged about 15 years went to the market to purchase clothes, but she did not return to the house. A missing report was lodged by her

parents. Offence under Section 363 of the IPC was registered. During investigation, it was found that on the pretext of marriage, the present applicant who is also a juvenile took the prosecutrix with him and committed sexual intercourse with her. Hence, crime was registered and the applicant was arrested on 21/05/2018. The applicant filed an application under Section 12 of the Act, 2015 before the Juvenile Justice Board, Raipur 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 applicant. The prosecutrix herself left her house. In the statement recorded under Section 164 of the Cr.P.C, the prosecutrix has not supported the case of the prosecution. He further submits that the applicant is a juvenile, aged about 17 years, he is in custody since 21/05/2018, 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 21/05/2018, charge-sheet has been filed and the prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not supported the case of the prosecution, I am inclined to allow this revision and release him on bail.
8. Consequently, the revision is allowed and the impugned judgment dated 02/07/2018 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