

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 870 of 2018**

Aayush Sharma S/o Shri Kamal Krishna Sharma, aged about – 16 years R/o Ward No. 21 Shitala Para, Gobra Navapara, P.S. Gobara, Navan Para, Raipur, District- Raipur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through the Police Station, Gobara Para, Raipur, Tehsil & District- Raipur (C.G.).

---- Respondent**AND****Criminal Revision No. 997 of 2018**

Abhishek Nishad S/o Mukesh Nishad, aged about 17 years, R/o Near Electric Office, Paragaon, navapara, Rajim, Police Station- Gobra Navapara, District- Raipur (C.G.)

Through legal guardian father Shri Mukesh Nishad, aged about 46 years, R/o Near Electric Office, Paragaon, Navapara, Police Station: Gobra navapara, District: Raipur (C.G.).

--- Applicant**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station, Gobara Navapara, Raipur, Tehsil & District- Raipur (C.G.).

---- Respondent

For Applicant (In CRR No. 870/2018) :	Mr S.C. Verma, Advocate
For Applicant (In CRR No. 997/2018) :	Mr. Y.C. Sharma, Advocate
For Respondent :	Mr. Sangarsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****01/10/2018**

1. Since both the cases arise out of same crime number, therefore, they

are being disposed of by this common order.

2. These revisions have 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 04/07/2018 passed by 7th Additional Sessions Judge, Raipur in Criminal Appeal No. 182/2018 and against judgment dated 24/08/2018 passed by the 9th Additional Sessions Judge, Raipur in Criminal Appeal No. 240/2018, whereby the Sessions Judges have rejected the appeals arising out of the order dated 03/07/2018 and 03/05/2018 dismissing the applicant's bail applications passed in Criminal Case No. 192/2018 by the Juvenile Justice Board, Raipur.
3. As per prosecution story, the prosecutrix is a girl aged about 17 years. It is alleged that applicant- Ayush Sharma had taken some objectionable photographs of the prosecutrix and also made some adulterous video clips of the prosecutrix. It was further alleged that he forwarded the said photographs and video clips to co-accused Khilesh Dewangan and Khilesh forwarded the same to applicant- Abhishek. It is further alleged that Khilesh demanded Rs. 10 lakhs from the father of the prosecutrix by giving threatening to viral the said photographs and video clips. On the basis of said report made by father of the prosecutrix, offence has been registered. During course of investigation, on the basis of memorandum statement of Aayush, one mobile phone and one Pendrive has been seized from his possession. After investigation, charge-sheet under Sections 384/34 of the IPC and Section 67-A, B of IT Act and Sections 14 & 15 of the POCSO Act, 2015 has been filed. The present applicants filed applications under

Section 12 of the Act, 2015 before the Juvenile Justice Board, Raipur which was dismissed. Against the said dismissal, appeals were preferred which were also dismissed. Hence, these revisions.

4. Learned counsel appearing on behalf of the applicants submits the applicants are innocent and have been falsely implicated in the present case. They further submit that main accused- Khilesh has already been granted regular bail by this Court vide order dated 20/08/2018 passed in MCRC No. 5211/2018. The applicants are juvenile, they are in custody since 21/04/2018 and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they may be extended the benefit of bail.
5. Learned Counsel appearing for the State opposes the prayer for grant of bail and submitted the impugned order.
6. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
7. Considering the nature of allegation, facts of the case and the fact that the applicants are in observation home since 21/04/2018, they are juvenile, they have no known criminal antecedent and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow these revisions and released them on bail.
8. Consequently, the revisions are allowed and the impugned judgment

dated 04/07/2018 and 24/08/2018 are set-aside. It is directed that the applicants shall be released on bail on each of them 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 their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul