

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 923 of 2018**

Gourav Gupta S/o Late Dinesh Gupta, aged about 17 years, R/o Bhattipara, Baikunthpur, District- Korea (C.G.)

Through legal guardian mother Smt. Mamta Gupta W/o Late Shri Dinesh Gupta, aged about 38 years, R/o Bhatthipara, Baikunthpur, District: Korea (C.G.).

---- Applicant

Versus

State of Chhattisgarh Through : Station House Officer, Police Station: Baikunthpur, District: Korea (C.G.).

---- Respondent

For Applicant	:	Mr. Pritam Tiwari, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

29/10/2018

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 04/08/2018 passed by the Sessions Judge, Baikunthpur (C.G.) in Criminal Appeal No. 60/2018, by which the Additional Sessions Judge has rejected the appeal arising out of order dated 19/07/2018 dismissing his bail application passed in Crime No. 122/2018, Police Station, Baikunthpur by the Juvenile Justice Board, Baikunthpur.
2. As per prosecution story, the prosecutrix, a girl aged about 17 years 6 months was residing at Shanker Nagar, Raipur with her family. On

01/07/2018 at about 10 am, she told her parents that she is going to beauty parlour and did not return. The mother of the prosecutrix searched her, but she was not found. She informed the incident to her husband. On 03/07/2018, relative of the prosecutrix who resides in Baikunthpur informed the father of the prosecutrix that the prosecutrix is available at Baikunthpur. He also told them that the present applicant wrongly developed some physical relation with the prosecutrix and committed sexual intercourse with her. On 05/07/2018, when the mother of the prosecutrix met her at Baikunthpur, then the prosecutrix disclosed all the facts to her. A written report has been lodged on 06/07/2018. On the basis of said report, offence has been registered and the applicant has been arrested on 06/07/2018. The applicant filed an application under Section 12 of the Act, 2015, 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 that the applicant has been falsely implicated in the present case. There was love relation between the prosecutrix and the applicant. The prosecutrix herself had left her house and herself went to Baikunthpur. He further submits that the applicant is juvenile, he is in custody since 06/07/2018, 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. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 06/07/2018, charge-sheet has already 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, I am inclined to allow this revision and release the Applicant on bail.
7. Consequently, the revision is allowed and the impugned judgment dated 04/08/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two sureties each of Rs. 20,000/- 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