

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 929 of 2018**

Achint Kumar Choudhary S/o Rambhuwan, aged about 17 years, R/o Village: Khongapani, Police Station: Jhagrakhand, Tahsil: Manendragarh, District- Korea (C.G.).

Through legal guardian mother Smt. Bela Choudhary W/o Shri Ram Bhuwan, aged about 35 years, R/o Village- Khongapani, Police Station: Jhagrakhand, Tahsil: Manendragarh, District: Kora (C.G.).

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, 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 06/08/2018 passed by the Sessions Judge, Baikunthpur (C.G.) in Criminal Appeal No. 61/2018, by which the Additional Sessions Judge has rejected the appeal arising out of order dated 11/07/2018 dismissing his bail application passed in Criminal Case No. 51/2018 by the Juvenile Justice Board, Baikunthpur.
2. As per prosecution story, Ajay Kumar, father of the prosecutrix lodged

a missing report of his daughter who was aged about 16 years against some unknown person. It is alleged in the report that the prosecutrix is missing since night of 14/06/2018. On the basis of said report, offence under Section 363 of the IPC was registered. During course of investigation, the prosecutrix was recovered and her statement was recorded under Section 161 Cr.P.C as well under Section 164 Cr.P.C. On the basis of said statement, offence under Section 366, 376 (2) (a) (b) and Section 4 & 6 of the POCSO Act was added. The applicant has been taken into custody on 17/06/2018. He 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. The prosecutrix herself had left her house. In her Court statement, the prosecutrix has not supported the case of the prosecution. He further submits that the applicant is juvenile, he is in custody since 17/06/2018, 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 17/06/2018, charge-sheet has already been filed, the prosecutrix has not supported the case of the prosecution 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 06/08/2018 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