

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 962 of 2018**

Satyanarayan Yadav S/o Shri Chandar Ram Yadav, aged about 18 years, R/o Village- Kenapra, Police Station: Baikunthpur, District: Korea (C.G.).

Though legal guardian Father Chandar Ram Yadav S/o Shri Janki Ram Yadav, aged about 45 years, R/o Village: Kenapara, Police Station: 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. D.N. Prajapati, Advocate
For Respondent	:	Mr. Sangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**12/10/2018**

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 08/08/2018 passed by the learned Sessions Judge, Baikunthpur, District- Korea (C.G.) in Criminal Appeal No. 62/2018, by which the Additional Sessions Judge has rejected the appeal arising out of the order dated 26/07/2018 dismissing his bail application passed in Criminal Case No. 58/2018 by the Juvenile Justice Board, Baikunthpur.
2. As per prosecution story, the prosecutrix was minor girl aged about 17 years at the time of incident. Before two years of recording of the FIR,

a love relation was developed between the applicant and the prosecutrix. It is alleged that during the said period, the applicant by alluring that he will keep the prosecutrix as wife, committed sexual intercourse with her, due to which she got pregnant on 03/06/2017. A child was borne who expired after some days. Thereafter, the applicant took the prosecutrix at his home, she stayed there about 1 month. Thereafter, the applicant dispelled the prosecutrix from his house. On 30/05/2018, a report was made by the prosecutrix and on the basis of said report, offence has been registered. The applicant has been taken into custody on 06/07/2018. 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 due to pressure of parents of the prosecutrix. There was love relation between the applicant and the prosecutrix. The applicant is a juvenile and he is in custody since 06/07/2018. It is further submitted that the charge-sheet has already been filed and 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 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 08/08/2018 is set-aside. It is directed that the Applicant shall be released on bail on 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