

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.623 of 2017**

Ratnesh Masih, S/o Late Raju Masih, aged about 17 years, R/o Podibahar, Sahu Chal Chowki, Rampur, Tahsil and District Korba, Chhattisgarh (Minor) through his natural guardian maternal grandmother Sulochanadas, W/o Harish Das, R/o Uriya Basti, Barampur, Sarwamangla Nagar, Korba, District Korba, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Collector/Magistrate, Korba, District Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri Sanjay Patel, Advocate
For Respondent	: Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****8.5.2018**

1. This revision arises out of the judgment dated 3.6.2017 passed in Criminal Appeal No.9 of 2017 by the Additional Sessions Judge (FTC), Korba, by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 16.11.2016 passed in Criminal Case No.82 of 2016 (present Case No.5 of 2017) by the Juvenile Justice Board, Korba rejecting the application for bail preferred on behalf of the Applicant.
2. Case of the prosecution, in brief, is that the prosecutrix, a minor girl, aged about 16-17 years was subjected to prostitution by her own relatives and she was subjected to rape by different persons for taking money from those persons. The allegation against the present Applicant is that he took the prosecutrix to co-accused persons for the purpose of prostitution of the prosecutrix and thereby he realised money from those co-accused persons. For

the said offence, he has been sent to observation home on 13.7.2016. Since he is in observation home, he preferred a bail application, being Criminal Case No.82 of 2016 (present Case No.5 of 2017) before the Juvenile Justice Board, Korba. The said bail application was rejected vide order dated 16.11.2016. He preferred an appeal, being Criminal Appeal No.9 of 2017. The appeal was also rejected by the impugned judgment dated 3.6.2017. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that the Applicant is a juvenile. He has falsely been implicated in the case. He is not the main accused. Other co-accused persons Akash Sharma, Umesh Sharma, Poonam Yadav and Sheela Pahuja have already been granted regular bail by this Court by order dated 14.7.2017 passed in M.Cr.C. No.3589 of 2017, 18.5.2017 passed in M.Cr.C. No.2164 of 2017, 30.1.2017 passed in M.Cr.C. No.607 of 2017 and order dated 2.1.2017 passed in M.Cr.C. No.8184 of 2016, respectively. According to the prosecution itself, the only allegation against the present Applicant is that he was taking the prosecutrix to the co-accused persons. He is in observation home since 13.7.2016. Therefore, the instant revision may be allowed and the Applicant may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report dated 29.8.2017 with utmost circumspection.

6. I find that the social investigation report does not suggest that release of the Applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on release of the Applicant there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.
7. Having considered the aforestated facts and circumstances of the case, particularly that the present Applicant, who is a juvenile, is not the main accused and the other co-accused persons have already been granted regular bail by this Court, the present Applicant is in observation home since 13.7.2016, the submissions put-forth and the social investigation report, I am inclined to allow this revision and release the Applicant on bail.
8. Consequently, the revision is allowed. The impugned judgment dated 3.6.2017 is set aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs.25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the said Board as and when directed by the Board.

Sd/-
(Arvind Singh Chandel)
Judge