

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.847 of 2017**

Tejram Nagrachi (Juvenile), S/o Mohan Lal Nagrachi, aged about 16 years, through his legal/natural guardian Father Mohan Lal Nagarachi, S/o Dashru Ram Nagrachi (Wrongly mentioned the as Nagarachi in the rejection order of the court below), aged about 46 years, R/o Village Bhendra, Mahaveer Para, Post Office, Police Station and Tahsil Bhakhara, District Dhamtari, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh through the District Magistrate, Dhamtari, District Dhamtari, Chhattisgarh

--- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For State/Respondent	:	Shri Raj Kumar Jaiswal, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****4.1.2018**

1. The instant is a revision preferred under Section 102 of the Juvenile Justice (Care and Protection of Children) Act, 2015 (henceforth 'the Act of 2015') read with Section 397/401 of the Code of Criminal Procedure challenging the order dated 4.8.2017 passed by the Additional Sessions Judge (FTC), Dhamtari in Criminal Appeal No.55 of 2017, whereby the appeal preferred by the juvenile Applicant against the order dated 5.7.2017 passed by the Juvenile Justice Board under the Act of 2015 in Criminal Case No.44 of 2016 has been dismissed and the juvenile Applicant has been denied bail.
2. Facts of the case, in brief, are that Dwarpal Yadav, father of the victim girl lodged First Information Report on 15.7.2016 alleging that the juvenile Applicant enticing her daughter (the victim girl), who, at the time of occurrence, was aged about 13 years, took her away from his legal guardianship and committed sexual intercourse with her due to which she became pregnant. The

police registered Crime No.185 of 2016 against the juvenile Applicant under Sections 363 and 376 of the Indian Penal Code and Sections 5(J) and 6 of the Protection of Children From Sexual Offences Act, 2012. The Applicant was sent to the Juvenile Justice Board and was thereafter placed under observation. An application for grant of bail to the Applicant was filed before the Juvenile Justice Board. The application was rejected. Being aggrieved by the rejection order, an appeal was preferred. The Appellate Court, as stated above in the first paragraph of this order, dismissed the appeal and declined to grant bail to the juvenile Applicant. Hence, this revision.

3. Learned Counsel appearing for the Applicant submits that the Applicant is in observation home since 16.7.2016. He is a minor and he may be allowed to join the main stream of the society as it is his first offence. He prays that the instant revision may be allowed and the Applicant may be enlarged on bail.
4. Per contra, Learned Counsel appearing for the State, supporting the impugned order, opposed the arguments advanced on behalf of the Applicant.
5. I have heard Learned Counsel appearing for the parties and perused the case diary and the documents placed on record with due care.
6. A bare perusal of the case diary and the documents placed on record reveals that a report was submitted by the Probation Officer before the Juvenile Justice Board stating that the Applicant is in observation home for about 1 year and he has been behaving well with his friends and teacher and no complaint has been received

against him from the observation home.

7. Considering the facts and circumstances of the case, the material placed on record and the period spent by the Applicant in the observation home, I am inclined to release the juvenile Applicant on bail.
8. Consequently, the revision is allowed. The orders under challenge passed by the Juvenile Justice Board and the Additional Sessions Judge are set aside. The Applicant is directed to be released on bail upon furnishing of one surety for a sum of Rs.10,000/- by his father to the satisfaction of the Juvenile Justice Board for appearance of the Applicant before the said Board as and when directed by the Board.

Sd/-
(Arvind Singh Chandel)
Judge