

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1118 of 2018**

Laladas Rai S/o Premlal @ Premdas Rai, aged about 16 years R/o Village Kuthraud, P.S. Suhela, District Balodabazar-Bhatapara (C.G.) through the legal natural guardian mother Pramila W/o Premlal, aged about 40 years, R/o Village Kuthraud, P.S. Suhela, District Balodabazar-Bhatapara (C.G.)

(Before the Court below the application was filed through the next friend elder brother namely Manoj due to the typographical mistake in impugned order it is mentioned as father)

---- Applicant

Versus

State of Chhattisgarh through the District Magistrate Balodabazar, District Balodabazar-Bhatapara (C.G.).

---- Respondent

For Applicant	:	Mr. Atanu Ghosh, Advocate
For Respondent	:	Mr. Shangarsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

22/11/2018

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 27/08/2018 passed by the First Additional Sessions Judge, Balodabazar (C.G.) in Criminal Appeal No. 100/2018, by which the Additional Sessions Judge has rejected the appeal arising out of order dated 11/07/2018 dismissing his bail application passed in Crime No. 115/2018, Police Station Suhela by the Juvenile Justice Board, Balodabazar.
2. As per prosecution story, on 19/06/2018 the prosecutrix, a girl aged

about 17 years, had gone to Bazar Chowk. It is alleged that the Applicant along with his brother Mahendra came there and forcibly abducted the Prosecutrix on their motor-cycle. They took her at the house of their elder sister and thereafter took her to the house of maternal father-in-law of Mahendra at Bhatapara. It is alleged that the Applicant committed forcible sexual intercourse with the Prosecutrix there. A report was made by the Prosecutrix on 22/06/2018. On the basis of the said report, offence has been registered and the Applicant has been taken into custody on 23/06/2018. The Applicant filed an application under Section 12 of the Act for grant of bail, 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. He further submits that major co-accused Mahendra has already been granted bail vide order dated 09/08/2018 passed in MCRC 4996/2018. He further submits that the Applicant is a juvenile, he is in custody since 23/06/2018, charge-sheet has been filed and the social investigation report does not suggest that on release of the Applicant, 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 23/06/2018, charge-sheet has already been filed, co-accused Mahendra has already been granted bail and the social investigation report does not suggest that on release of the Applicant, 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 27/08/2018 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