

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1184 of 2018**

Gopi Kishan S/o Deenanath Yadav, aged about 17 years R/o Chilhati, P.S. Pachpedi, District Bilaspur, Through Natural Guardian Father Deenanath Yadav.

---- Applicant

Versus

State of Chhattisgarh Through : the Station House Officer, Police Station Pachpedi, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. C.K. Kesharwani, Advocate
For Respondent	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/11/2018

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 10/10/2018 passed by the Juvenile Court/Additional Sessions Judge (FTC) Bilaspur (C.G.) in Criminal Appeal No. 223/2018, by which the Additional Sessions Judge has rejected the appeal arising out of order dated 06/09/2018 dismissing his bail application passed in Criminal Case No. 278/2018 by the Juvenile Justice Board, Bilaspur.
2. As per prosecution story, there was love relation between the Applicant and the prosecutrix who is a minor girl aged about 16 years. Since 2017, the Applicant on the pretext of marriage, committed sexual

intercourse with the prosecutrix on various times. On 02/06/2018 too, the Applicant made physical relation with the prosecutrix and thereafter, he refused to marry with the prosecutrix, and fled away from the village. A report was made by the prosecutrix and the Applicant was arrested on 08/06/2018. The Applicant filed an application 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. There was love relation between the prosecutrix and the Applicant. He further submits that the Applicant is a juvenile, he is in custody since 08/06/2018, 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 08/06/2018, charge-sheet has already 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, I am inclined to allow this revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 10/10/2018 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

Rahul