

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 39 of 2019**

Jagsai @ Madhav Gond S/o Ramjanam, Aged about 17 years represented through natural guardian Brother Lalji S/o Ramjanam, Aged about 25 years R/o Village Rewatpur, P.S. Rajpur, District Balrampur Ramanujanj (C.G.)

----Applicant**Versus**

State of Chhattisgarh, Through District Magistrate, District Balrampur Ramanujanj (C.G.)

---- Respondent

For Applicant	:	Mr. Pushkar Sinha, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/06/2019**

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 11/12/2018 passed in Criminal Appeal No. 52/2018 by the Sessions Judge, Balrampur, whereby the Sessions Judge has rejected the appeal arising out of order dated 30/11/2018 dismissing his bail application passed in Criminal Case No. 49/2018 by the Juvenile Justice Board, Balrampur.
2. As per prosecution story, the age of the Prosecutrix at the relevant time was about 13 years. The allegations against the Applicant is that he on the pretext of marriage, was committing sexual intercourse with the Prosecutrix continuously, due to which she got pregnant. A report was made by the Prosecutrix. Offence has been registered against the Applicant. He has

been taken into custody on 27/09/2018. He filed an application under Section 12 of the Act, 2015 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 the Prosecutrix has been examined before the trial Court and she has turned hostile and has not supported the case of the prosecution. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 27/09/2018 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. 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 27/09/2018 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

11/12/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local sureties each of Rs. 25,000/- 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