

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 90 of 2019**

1. Alisha Lakra D/o Prakash Lakra, Aged About 13 Years Minor Represented Through Father Prakash Lakra, aged About 50 Years S/o Gabrel Lakra R/o House No. 257 Urja Nagar ,Deepka ,Police Station Deepka, Tehsil Katghora ,District Korba Chhattisgarh.
2. Amisha Yadav D/o Rakesh Yadav Aged About 14 Years (Wrongly Mentioned As Alisha In Impugned Order) Minor Represented Through Rakesh Yadav S/o Sewaram Yadav Aged About 38, Years R/o House No. 188, Urja Nagar Deepka , Police Station Deepka, Tahsil Katghora District Korba Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Deepka District Korba Chhattisgarh.

---- Respondent

For Applicants	:	Mrs. Nirupama Bajpai, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

08/02/2019

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 08/01/2019 passed by the Additional Sessions Judge, (FTC) Korba in Criminal Appeal No. 08/2019, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 02/01/2019 dismissing their bail applications passed in Crime No. 306/2018, Police Station Deepka, District Korba by the Juvenile Justice Board, Korba.
2. In this case, the Prosecutrix is a girl aged about 13 years who made a

report alleging therein that on 15/11/2018 at about 4:30 pm, Applicant Amisha called her in her house for making a project. It is alleged that the Applicants and other co-accused persons convince the Prosecutrix to make physical relation with one Kaushal Dubey. It was further alleged that the Applicants and other accused persons made a video of their physical relation and uploaded the same on social media. On the basis of above report, offence has been registered. The Applicants have been arrested on 14/12/2018. They 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 Applicants submits that the Applicants have been falsely implicated in the present case. She further submits that the Applicants are juvenile aged about 13 years and 14 years, respectively. They have no criminal antecedent and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. She further submits that the examination of the Applicants is going to start from 14/02/2019. Therefore, they 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 Applicants are in observation home since 14/12/2018 and social investigation report does not suggest that on their release, they will come

in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow this revision and release the Applicants on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 08/01/2019 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge