

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 168 of 2019**

Kartik Mandal S/o Ashok Mandal, aged about 14 years, through legal guardian father Ashok Mandal, R/o Devpuri Bhathapara, Raipur, Tahsil & District Raipur (C.G.)

----Applicant**Versus**

State of Chhattisgarh, through the Station House Officer, Police Station new Rajendra Nagar, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****26/03/2019**

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 judgment dated 01/01/2019 passed in Criminal Appeal No. 426/2018 by the Seventh Additional Sessions Judge (FTC) Bilaspur, whereby the Seventh Additional Sessions Judge has rejected the appeal arising out of order dated 30/11/2018 dismissing his bail application passed in Crime No. 270/2018, P.S. New Rajendra Nagar Raipur, District Raipur by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on 03/11/2018 the Applicant committed unnatural sexual act with one minor victim aged about 3 ½ years. The matter was reported by the father of the victim. On the basis of said report, offence has been registered and the Applicant has been taken into custody on

05/11/2018. 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 Applicant is juvenile aged about 14 years who is in custody since 05/11/2018 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 05/11/2018 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 01/01/2019 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