

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 124 of 2019**

Ajeet Banjare, Aged about 16 years S/o Shri Manahar Banjare, R/o Village Bahardeeh, P.S. Pachpedi, District Bilaspur (C.G.).

----Applicant**Versus**

State of Chhattisgarh Through SHO P.S. Pachpedi, District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

25/02/2019

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 judgment dated 10/01/2019 passed in Criminal Appeal No. 06/2019 by the Additional Sessions Judge (FTC), District Bilaspur, whereby the Sessions Judge has rejected the appeal arising out of order dated 27/12/2018 dismissing his bail application passed in Criminal Case No. 348/2018 by the Juvenile Justice Board, Bilaspur
2. As per prosecution story, on 02/08/2018 a complaint was lodged by Lakhan Lal, grand father of the Prosecutrix alleging therein that on 31/07/2018 at about 8:00 pm, the Applicant along with other co-accused persons took away the Prosecutrix with him. On the basis of above complaint, initially offence under Section 363 read with Section 34 of the IPC was registered. After recovery of the Prosecutrix, her statement under Section 161 Cr.P.C. was recorded and other offences have been added. The Applicant has

been taken into custody on 02/08/2018. 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 in her statement recorded under Section 161 Cr.P.C did not state specific against the Applicant. Other co-accused persons namely Fudu Ram, Ashok Kumar @ Sudhu and Shubhmani Ratre have already been released on bail vide order dated 28/11/2018 passed in MCRC No. 8536/2018. He further submits that the Applicant is juvenile aged about 16 years who is in custody since 02/08/2018 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 02/08/2018 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 10/01/2019 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