

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 102 of 2019**

Kushal Dubey S/o Raja Ram Dubey, aged about 15 years R/o Purani Basti Katghora, P.S. and Tehsil Katghora, Distt. Korba (C.G.) (Natural Guardian- Raja Ram Dubey S/o. Lt. Brajbhushan Prasad Dubey, aged about 42 years R/o Purani Basti Katghora, P.S. and Tehsil Katghora, Distt. Korba (C.G.).

----Applicant**Versus**

State of Chhattisgarh through District Magistrate Korba, Distt. Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****08/03/2019**

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 11/01/2019 passed in Criminal Appeal No. 07/2019 by the Additional Sessions Judge, Korba, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 02/01/2019 dismissing his bail application passed in Crime No. 306/2018, Police Station Dipka, 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, co-accused Amisha called her in her house for making a project. It is alleged that the Amisha and other co-accused persons convince the Prosecutrix to make physical relation with the Applicant. It was further alleged that the co-

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 Applicant has been arrested on 14/12/2018. 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 15 years who is in custody since 14/12/2018 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 14/12/2018 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 11/01/2019 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