

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 106 of 2019**

Sneha Singh @ Mahi Singh, aged about 13 years D/o Madhukar Singh, minor represented through father Madhukar Singh, s/o Virendra Singh, aged about 49 years R/o Quarter No. 38, Urja Nagar, Deepka, Police Station Depka, Tahsil Katghora, District Korba (C.G.)

----Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Deepka, District Korba(C.G.).

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

04/02/2019

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 his bail application 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, her friend co-accused namely Amisha called her in her house for making a project. It is alleged that the Applicant and other co-accused persons convince the Prosecutrix to make physical relation with one Kaushal Dubey. It was further alleged that the Applicant 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 Applicant has been arrested on 26/12/2018. She 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. She further submits that the Applicant is juvenile aged about 13 years, she has no criminal antecedent 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. She further submits that the examination of the Applicant is going to start from 18/02/2019. Therefore, she 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 26/12/2018 and social investigation report does not suggest that on his release, she will come in contact with any known criminal or there would be danger to her 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 08/01/2019 is set-aside. It is directed that the Applicant shall be released

on bail on her furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for her appearance before the Board as and when directed by the said Board.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul