

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 108 of 2019**

Akhilesh S/o Bharat Sonkar, aged about 16 years, minor represented through legal guardian father Bharat Sonkar S/o Bhagirathi Sonkar, aged about 40 years, R/o Village Sukul Para, Nawagarh, Police Station Nawagarh, District Bemetara (C.G.)

----Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Nawagarh, District Bemetara (C.G.).

---- Respondent

For Applicant	:	Mr. Bharat Rajput, Advocate
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

21/02/2019

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 03/01/2019 passed in Criminal Appeal No. 2/2019 by the Special Judge/Child Court, District Bemetara, whereby the Special Judge has rejected the appeal arising out of order dated 13/12/2018 dismissing his bail application passed in Criminal Case No. 70/2018 by the Juvenile Justice Board, Bemetara.
2. As per prosecution story, on 25/10/2018 at about 3:30 pm, while the Prosecutrix, aged about 16 years, was returning from school, it is alleged that the Applicant and other co-accused persons namely Bhagau and Nilesh came there on motor-cycle and co-accused Bhagau proposed the Prosecutrix. He also caught hold her hand and chest. The matter was

reported and offence has been registered under Section 354 (A)/34 of the IPC and Section 8 of the POCSO Act. The Applicant has been arrested on 26/10/2018. 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 a juvenile who is in custody since 26/10/2018 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 26/10/2018 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 03/01/2019 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