

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 195 of 2019**

Durgesh Kumar @ Rahul Kenwat, Aged about 17 years S/o Shri Tulsi Prasad,
Caste- Kenwat R/o Village Patharra, Tehsil Marwahi, District Bilaspur (C.G.)

----Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/05/2019

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 10/12/2018 passed in Criminal Appeal No. 295/2018 by the Additional Sessions Judge (FTC), Bilaspur, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 14/11/2018 dismissing his bail application passed in Criminal Case No. 351/2018 by the Juvenile Justice Board, Bilaspur.
2. As per prosecution story, on 02/08/2018 the Prosecutrix who is a girl aged about 11 years 4 months lodged a report alleging therein that on 13/09/2018 the Applicant had come to her house by his motor-cycle and forcibly took her to the Jungle and committed forcible sexual intercourse with her. On the basis of that offence has been registered. The Applicant has been arrested on 14/09/2018. 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 due to some dispute with the father of the Prosecutrix. Medical examination report of the Prosecutrix does not support the case of the Prosecution. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 14/09/2018 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 14/09/2018 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 10/12/2018 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