

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 260 of 2019**

- Shyamu Das Mahant son of Santosh Das Mahant, aged about 15 years, R/o Odiya Basti, Jailgaon, Darri, Jamnipali, Tahsil – Katghora, District- Korba (C.G.)

Through natural guardian of his mother Smt. Savitri Mahant wife of Santosh Das Mahant, aged about 38 years, Residence of – Odiya Basti, Jailgaon, Darri, Jamnipali, Tahsil- Katghora, District- Korba (C.G.)

---- Applicant

**Versus**

- State of Chhattisgarh, through District Magistrate Korba, District- Korba (C.G.) represented through Police Station- Darri, District Korba (C.G.)

---- Respondent

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| For Applicant        | : | Shri Vikas Pandey, Adv.     |
| For Respondent/State | : | Shri Rahul Mishra, Dy. G.A. |

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**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**25.07.2019**

1. The present revision has been preferred under Section 102 of Juvenile Justice (Care and Protection of Children) Act, 2015 (in short 'the Act 2015) against the order dated 31.01.2019 passed in Criminal Appeal No. 12/2019 by the Additional Sessions Judge(FTC) Korba District Korba (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 02.01.2019 passed in Criminal Case No.256/2018 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Korba.

2. This is the revision petition filed by one of the accused persons, who is juvenile. The prosecution story, in brief, is that Akash Mangeshkar, who has committed sexual intercourse to the prosecutrix, is main accused. The allegation against present applicant is that he helped to Akash Mangeshkar for the said offence. Father of the prosecutrix lodged complaint against one unknown person and stated that he kidnapped her daughter. Thereafter, police has registered as a crime No. 256/2018 offence punishable under Section 363 IPC. After investigation police added the offence punishable under Sections 366(A), 376, 506/34 IPC and Section 4 of the POCSO Act against the applicant and other co-accused. Applicant has been taken into custody and he filed an application under Section 12 of the Juvenile Justice Act 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 applicant submits that the applicant has been falsely implicated in the present case. He further submits that the applicant has no criminal background. Both the Courts below have not considered the facts that the present applicant has not committed the crime. In view of provision contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail. The applicant is in Jail since 04.12.2018 and he has completed more than 7 months in custody, therefore, he may be extended benefit of bail.
4. Learned counsel appearing for the State opposed the prayer for grant of bail and supported the impugned order.
5. I have heard learned counsel appearing for both the parties and perused the 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 04.12.2018 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 order dated 31.01.2019 is set-aside. It is directed that the applicant shall be released on bail on his furnishing one local surety 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/-  
(Rajani Dubey)  
JUDGE