NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 282 of 2019

- Aman Agrawal S/o Shri Jagmohan Agrawal Aged About 17 Years Through His Legal Guardian Shri Jagmohan Agrawal S/o Late Shri Daulat Ram, R/o Mahavir Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Of Police Station- Telibandha, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Awadh Tripathi, Advocate
For Respondent/State : Mr. KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/03/2019

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 against the judgment dated 08/02/2019 passed by the learned 7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 87/2019, arising out of order dated 24/01/2019 passed in crime number 636/2018 passed by learned Principal Magistrate/President, Juvenile Justice Board, Mana Camp, Raipur (C.G.).

2. In this case prosecutrix is a girl aged about 17 years, at the relevant time she was studying in Class 11th. On 30.12.2018, father of the prosecutrix namely Rajendra lodged a missing report in police station

of her daughter/prosecutrix. On the basis of said report, initially offence under Section 363 of the IPC has been registered. Later on she was recovered and thereafter her statement was recorded. On the basis of her statement, other offence have been added. It was further alleged that co-accused Vijendra Pandey, Aadarsh Agrawal and Ujjawal Thakur were acquainted to prosecutrix and later on co-accused Sohrab became friend of prosecutrix. On the date of incident, co-accused persons namely Sohrab and Vijendra Pandey took the prosecutrix to the home of present applicant, where co-accused Sohrab forcefully committed sexual intercourse with her. It is further alleged that the applicant and co-accused Vijendra Pandey made obscene video of the prosecutrix and they demanded Rs. 80,000/- for deleting the said video and told her that if she did not fulfill their demand, they would circulate the obscene video of her. On the basis of above, offence has been registered and the applicant has been taken in custody on 07.01.2019 and since then he is in observation home. The applicant filed an application under Section 12 of the Act, 2015, 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 in her statement recorded under Section 164 of CRPC she does not state anything against the applicant. The applicant is juvenile, he is in custody since 07/01/2019 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 07/01/2019 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, I am inclined to allow this revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 08/02/2019 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two sureties each of Rs. 20,000/- 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

Shubham