

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 305 of 2019**

- Harish @ Nanak Verma S/o Mewakram Verma Aged About 17 Years R/o Village Batgan, P. S. Pallari, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Shri Hemant Gupta, Advocate.
For Respondent/State: Shri Rahul Mishra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

23/07/2019

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 14.02.2019 passed in Criminal Appeal No. 15/2019 by the First Additional Sessions Judge (FTC), Balodabazar (C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 23.01.2019 passed in Crime No. 601/2018 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Balodabazar.

2. As per the case of prosecution on 08.11.2018, at about 6.00 p.m., complainant Ramotin Bai hears hue and cry of her six years old daughter from the house of Mevak Ram Verma and when she reached inside the house of Mevak Ram Verma, she saw that accused was trying to commit rape on her daughter. Thereafter, the FIR has been registered against the applicant by the complainant under Section 376 of the IPC and Section 6 of the POCSO Act. The applicant has been taken into custody. He filed an application under Section 12 of the Juvenile Justice Act for granting bail which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.
3. Learned counsel for the applicant submits that in the present case, the Juvenile Justice Board as well as the Appellate Court have completely ignored to consider the statutory scheme of Section 12 of the Act of 2015 which itself is *pari materia* of Section 12 of the Act of 2000 while considering the application for grant of bail under Section 12 of the Act of 2015. He further submits that the applicant has been falsely implicated in the present case. He has no criminal background. Orders passed by both the Courts below are improper and contrary to the law. In view of provision contained in Section 12 of the

Juvenile Justice Act, the applicant deserves to be released on bail. Learned counsel for the applicant placed reliance in the matters of **Kamlesh Kumar Vs. State of Chhattisgarh, 2016 LawSuit(Chh)19, Amit Giri Goswami Vs. State of Madhya Pradesh, 2019 LawSuit(MP) 331** and **Rajesh Lakra Vs. State of Chhattisgarh, 2014 LawSuit(Chh)369**.

4. Counsel for the State submits that the order passed by the two Courts below being fully justified and in accordance with the provisions of Section 12 of the Act does not warrant any interference and the instant revision deserves to be set aside.
5. I have heard learned counsel both the parties and perused the material available on record. On perusal of the record I do not find any reasonable ground having been brought before the Juvenile Justice Board or the Police Authorities in respect of the so called threat of the juvenile getting exposed to moral, physical or psychological danger or come in the company of known criminal.
6. In view of above consideration, the impugned order dated 14.02.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant shall be released on bail forthwith on furnishing a personal bond

in the sum of Rs. 25,000/-, by the parents or guardians of the applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge