

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 417 of 2019**

Rajat Dubey, aged about 16 years S/o Shri Santosh Dubey, R/o Chuchuhiyapara, Near Annapurna Colony, P.S.- Sirgitti, District- Bilaspur (C.G.).

----Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Achyut Tiwari, Advocate
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/04/2019

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 19/02/2019 passed in Criminal Appeal No. 42/2019 by the Additional Sessions Judge (FTC), District Bilaspur, whereby the Additional Judge has rejected the appeal arising out of order dated 24/01/2019 dismissing his bail application passed in Criminal Case No. 21/2010 by the Juvenile Justice Board, Bilaspur (C.G.)
2. As per prosecution story, on 03/11/2018 Complainant Bhagwat Suryawanshi lodged a report stating therein that her daughter was missing since 3:00 pm and when she returned to her house at about 11:00 pm, she disclosed that co-accused Raja and the Applicant, by alluring her, had taken her with them and co-accused Raja had committed rape with her. On this, an FIR has been registered against the Applicant and co-accused

Raja. The Applicant has been arrested on 05/11/2018. 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 only allegation against the present Applicant is that he was present with co-accused Raja, who had committed rape with the Prosecutrix. He further submits that the Applicant is juvenile aged about 16 years who is in custody since 05/11/2018 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 05/11/2018 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

19/02/2019 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