

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 416 of 2019**

Sheikh Rahish @ Raja, Aged About 15 Years, S/o Shri Sheikh Raseed, R/o Chuchuhiyapara, Ganesh Nagar, Behind Shiv Kirana Store, Police Station- Sirgitti, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station- Torwa, District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant : Shri Achyut Tiwari, Advocate.
For Respondent/State: Shri I.Lakra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

31/07/2019

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 19.02.2019 passed in Criminal Appeal No. 42/2019 by the Additional Sessions Judge (FTC), Bilaspur (C.G.), whereby the Additional Judge has rejected the appeal arising out of order dated 24.01.2019 passed in Criminal Case No. 21/2010 dismissing the bail application of the present applicant by the Juvenile Justice Board, Bilaspur, C.G.

2. As per the case of prosecution on 03.11.2018, Complainant Bhagwat Suryawanshi lodged a report stating therein that her daughter was missing since 3.00 p.m. and when she returned to her house at about 11.00 p.m., she disclosed that applicant Raja and other co-accused, by alluring her, had taken her with them and the applicant committed rape with her. On this, an FIR has been registered against the Applicant and co-accused Rajat. The applicant has been arrested on 05.11.2018. He filed an application under Section 12 of the Act, 2015, 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. 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. The applicant is in custody since 05.11.2018.

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 19.02.2019 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