

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 423 of 2019**

Lokesh Kumar Nag S/o Kapoor Chand Nag, aged about 17 years Through
Kapoor Chand Nag S/o Mansay Nag, aged about 45 years R/o Village Pakhna
Kongara, P.S. Bhanpuri District Bastar (C.G.)

----Applicant**Versus**

State of Chhattisgarh Through District Magistrate Bastar Place Jagdalpur and
P.S. Bhanpuri, District Bastar (C.G.)

---- Respondent

For Applicant	:	Mr. Praveen Kumar Tulsyan, Advocate
For Respondent	:	Mr. V.K. Agrawal, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****17/05/2019**

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 12/03/2019 passed in Criminal Appeal No. 16/2019 by the Additional Sessions Judge (FTC), Bastar whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 27/02/2019 dismissing his bail application passed in Criminal Case No. 15/2018 by the Juvenile Justice Board, Jagdalpur.
2. As per prosecution story, it is alleged that the Applicant, on the pretext of marriage, had been developing physical relation with the Prosecutrix since 2017 and thereafter refused to do marriage with her. A report was made by the Prosecutrix, who is girl aged about 16 years. On the basis of said report, offence has been registered and the applicant has been taken into

custody on 17/06/2018. 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 there was love relation between the Prosecutrix and the Applicant. At the relevant time, as opined by the Radiologist, the age of the Prosecutrix was in between 16 to 19 years. The Prosecutrix herself made physical relationship with the Applicant with her consent. He further submits that the Applicant is juvenile aged about 17 years who is in custody since 17/06/2018 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 17/06/2018 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 12/03/2019 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