

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 477 of 2019**

Rohan Dhruv S/o Rajkumar Dhruv, aged about 17 years R/o Village Kailashgarh, P.S. Palari, District Baloda-Bazar Bhatapara (C.G.).

----Applicant

Versus

State of Chhattisgarh, Through SHO Tikrapara, Distt. Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Hemant Gupta, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

02/05/2019

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 01/01/2019 passed in Criminal Appeal No. 444/2018 by the Seventh Additional Sessions Judge, Raipur, whereby the Seventh Additional Sessions Judge has rejected the appeal arising out of order dated 19/12/2018 dismissing his bail application passed in Criminal Case No. 459/2018 by the Juvenile Justice Board, Raipur.
2. As per prosecution story, on 15/09/2018 the minor daughter of Complainant Surendra Chakradhare was missing and after search of the whereabouts of the minor, a missing report was lodged. During investigation, the prosecutrix was recovered. It is alleged that the Applicant by alluring her made physical relation with the Prosecutrix. The Applicant was arrested on 19/09/2018. 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 Prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not supported the case of the prosecutrix and has categorically stated that due to love relation with the Applicant, she herself has left her house. She also stated that the Applicant has not done anything with him. The Applicant is juvenile aged about 17 years who is in custody since 19/09/2018 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 19/09/2018, the Prosecutrix has not supported the case of the prosecution 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 01/01/2019 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