

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 644 of 2019**

Risabh Yadav s/o Rajesh Yadav, aged about 13 years (Minor) through natural guardian Rajesh Yadav S/o Late Ramnarayan Yadav S/o Late Ramnarayan Yadav, aged about 50 years R/o LIG 49 Hudco Bhilai, Police Station Bhilai Nagar, District Durg (C.G.).

----Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Durg, District Durg (C.G.)

---- Respondent

For Applicant	:	Mr. T.K. Jha, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****21/06/2019**

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 01/02/2019 passed in Criminal Appeal No. 38/2019 by the 5th Additional Sessions Judge/Juvenile Court/ Special Judge (Under the POCSO Act), District Durg, whereby the Special Judge has rejected the appeal arising out of order dated 01/01/2019 dismissing his bail application passed in Criminal Case No. 01/2019 by the Juvenile Justice Board, Durg (C.G.)
2. As per prosecution story, 08/11/2018 Complainant Sachin Mathew (father of the Prosecutrix) lodged a report alleging therein that from 01/11/2018 to 03/11/2018, the Prosecutrix was complaining of Stomach pain. On her examination, it was revealed that she was sexually exploited. When the

Prosecutrix was inquired, she told that on 17/10/2018, the Applicant, co-accused Sunny and Ayush had taken her at Lal Maidan and committed rape with her. On the basis of above report, offence has been registered. The Applicant has been arrested on 08/11/2018. 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 Applicant is juvenile aged about 13 years who is in custody since 08/11/2018 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 08/11/2018 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 01/02/2019 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