

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 715 of 2019**

1. Kanshiram @ Bhanupratap Dhurve (wrongly mentioned as Dhurve) S/o Manharan Singh Aged About 16 Years Minor, Through Natural Guardian- Father Manharan Singh Dhurve S/o Gautar Singh, Aged About 43 Years, R/o Village Devsara, Police Station Kukdur, District- Kabirdham, Chhattisgarh.
2. Keshav Prasad Dhurve (wrongly mentioned as Dhurve) S/o Devcharan Aged About 15 Years Minor, Through Natural Guardian- Father Devcharan Dhurve S/o Shivrati, Aged About 40 Years, R/o Village Devsara, Police Station Kukdur, District- Kabirdham, Chhattisgarh.
3. Manas Kumar Sarkat S/o Anand Kumar Aged About 16 Years Minor Through Natural Guardian Father Anand Kumar S/o Chhutu Ram, Aged About 40 Year, R/o Village Devsara, Police Station Kukdur, District- Kabirdham, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through District Magistrate, District- Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Dharmesh Shrivastava, Adv.
For Respondent/State	:	Shri Wasim Miyan, PL.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

29/08/2019

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 17.05.2019 passed in Criminal Appeal Case No. 41/2019 by Additional Sessions Judge (FTC) District Kabirdham (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 10.04.2019 passed in Crime No. 22/2019 dismissing the bail application of the present applicants by Principal Magistrate,

Juvenile Justice Board, Kabirdham.

2. This is the revision petition filed by the accused/applicants, who are juvenile. The prosecution story in brief is that the complainant/prosecutrix lodged a report in the Police Station Kukdur, stating that she went to Village Devsara to attended a party of Chhatthi in the house of her cousin. It is alleged that at about 7.00 PM, she went to a shop to purchase chocolate with her cousin namely Priyanka and, at that time, applicants came near the prosecutrix, took her forcefully on the motorcycle, and tried to outrage her modesty. Thereafter, the prosecutrix narrated the whole story to her family members. On the date of occurrence the present applicants being juvenile. They filed an application under Section 12 of the Juvenile Justice Act 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 applicants 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 applicants have been falsely implicated in the present case. They have no criminal background. Orders passed by both the Courts below are improper and contrary to the law. Therefore, in view of provision contained in Section 12 of the

Juvenile Justice Act, the applicants deserve to be released on bail.

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 17.05.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicants 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 applicants, as the case may be, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.
7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge