

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 724 of 2019**

Juvenile in conflict with law Through:- Manuram Kashyap (Father) S/o Sukhdhar Kashyap, aged about 50 years R/o Village Chandela Kaknar P.S. Lohandiguda, District Bastar (C.G.).

----Applicant**Versus**

State of Chhattisgarh Through P.S. Bhanpuri, District Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsian, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****28/06/2019**

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 15/03/2019 passed in Criminal Appeal No. 17/2019 by the Additional Sessions Judge (FTC), whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 16/01/2019 dismissing his bail application passed in Crime No. 48/2018, P.S. Bhanpuri (C.G.) by the Juvenile Justice Board, Bastar (C.G.)
2. In this case, the age of the Prosecutrix is about 17 years. As per prosecution, on 16/03/2018, father of the Prosecutrix, Santu Kashyap lodged a report alleging therein that on 13/03/2018, the Applicant on the pretext of marriage, had taken her daughter. Thereafter, the Prosecutrix was recovered from the possession of the Applicant. It was alleged that the Applicant committed sexual intercourse with her. Offence has been

registered and the Applicant has been arrested on 30/09/2018. 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 Applicant is juvenile who is in custody since 30/09/2018 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 30/09/2018 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 15/03/2019 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