

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 726 of 2018**

1. Anil Joshi S/o Dhani Ram Joshi, aged about 16 years, through his natural guardian uncle Prakash Joshi,
2. Rahul Joshi S/o Ganga Ram Joshi, aged about 15 years, Through his natural guardian father Ganga Ram Joshi,

Both are R/o Village Ward No. 15, Banbarad, P.S. Nandini, District Durg (C.G.).

----Applicants**Versus**

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

---- Respondent

For Applicants	:	Mr. Tarun Dadsena, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25/04/2019**

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 15/06/2018 passed in Criminal Appeal No. 7361/2018 by the Additional Sessions Judge (FTC), Durg District Durg, whereby the Additional Judge has rejected the appeal arising out of order dated 02/06/2018 dismissing his bail application passed in Crime No. 102/2018 by the Juvenile Justice Board, Durg (C.G.)
2. As per prosecution story, on 11/04/2018 Complainant- Dashmath Yadav lodged a report alleging therein that on the said date, she had gone to take water after locking her daughter inside her house. When she returned, she

found that the lock was broken and her daughter was not there. At about 12 O'clock, when her daughter returned, she told that Anil Joshi and Rahul had committed sexual intercourse with her. On the said report, FIR has been registered and the Applicants have been arrested on 12/04/2018. They 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 Applicants submits that the Applicants have been falsely implicated in the present case. He further submits that the Applicants are juvenile aged about 16 years and 15 years respectively who are in custody since 12/04/2018 and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they 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 Applicants are in observation home since 12/04/2018 and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow this revision

and release the Applicants on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 15/06/2018 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul