

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 862 of 2019**

- Minor Payal Agrawal, D/o Shri Vinod Agrawal, Aged About 17 Years, Occupation Student, Through Her Legal Natural Guardian / Father Shri Vinod Agrawal, S/o Gaurishankar Agrawal, Aged About 52 Years, R/o Sindhi Colony Kharsiya, Tahsil And P.S. Kharsiya, District : Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Of The Police Station Bhupdevpur, District : Raigarh, Chhattisgarh

---- Respondent

For Applicant : Shri Abhishek Saraf, Advocate.
 For Respondent/State: Shri Rahul Mishra, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

25/07/2019

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 10.07.2019 passed in Criminal Appeal No. 104/2019 by the learned Second Additional Sessions Judge, Raigarh (C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 03.07.2019 passed in Crime No. 108/2019 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Raigarh, C.G..

2. As per the case of prosecution the complainant namely Homesh Jaiswal become facebook friend of the applicant, who was allegedly running a face facebook ID in the name of Richa Sharma and in furtherance of that on 16.06.2019, the complainant and applicant met at Nariyal Nation Guest House at Raigarh around 06.25 p.m. than after half an hour they returned to their houses. Thereafter, around 08.40 p.m. on the same day they again met near Circuit house, Raigarh and went for long drive towards jungle area of Singhanpur, Barbhouna Road, where they were stopped by a Scorpio from which some unknown persons came out and looted mobile phones and cash from the complainant and taken the applicant with them in the said vehicle. On the basis of said incident complaint was made by the complainant against the present applicant and other co-accused. The present applicant has been taken into custody since 27.06.2019. She has filed an application under Section 12 of the Act 2015 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 applicant 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 applicant has been falsely implicated in the present case. She has no criminal background. Orders passed by both the Courts below are improper and contrary to the law. In view of provision contained in Section 12 of the Act, 2015 the applicant deserves to be released on bail. The applicant is in custody since 27.06.2019.

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 10.07.2019 could not be sustained and is therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicant 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 applicant, as the case may be, to the satisfaction of the Juvenile Justice Board for his appearance before the Board, as and when directed.

7. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge