

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 870 of 2019**

- Mohammad Abid, aged about 15 years (during the time of incident), son of Late Hamid Ahmad, R/o Hussaini Mohalla, Nizami Chowk, Badnam Gali, Moudaha, P.S. Moudaha, District Hamirpur (U.P.) at present R/o. Kailash nagar, near Station, Kumhari, P.S. Kumhari, Tahsil and District Durg (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Amanaka, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Keshav Prasad Gupta, Adv.
For Respondent/State	:	Mr. Anant Bajpai, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

01/08/2019

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 21.06.2019 passed in Criminal Appeal No. 326/2019 by the Seventh Additional Sessions Judge District Raipur (C.G.), whereby the learned Sessions Judge has rejected the appeal arising out of order dated 24.05.2019 passed in Criminal Case No. 626/2018 dismissing the bail application of the present applicant by the Principal Magistrate, Juvenile Justice Board, Mana Camp, Raipur.
2. This is the revision petition filed by the accused, who is

juvenile. The prosecution story in brief is that on 16.08.2014 prosecutrix quarreled with her elder sister relating to the mobile as its consequence, she left the house of her elder sister and went away. While she was moving to house of her another sister, the accused/applicant, who is an auto driver, asked her to lift, on that she replied negative, but the accused forcibly put her inside the auto and take her unknown place and committed sexual assault with three other friends. He took her another place and again committed sexual assault and after that he dropped her to her native place. Thereafter, an FIR registered against the applicant offence Sections 363, 366 & 376(D) of IPC. On the date of occurrence the present applicant was juvenile. He was sent to juvenile home on 29.11.2018. He 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 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. He has no criminal background. Orders passed by both the Courts below are improper and contrary to the law. Counsel for the applicant further submits that the complainant demanded huge amount to the applicant and threatened to intimate in serious offence, but applicant deny to pay single amount, on that complainant lodged a false FIR. In view of provision contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail. The applicant is in Jail since 29.11.2018 and he has completed more than eight months in custody, therefore, he may be extended benefit of 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 21.06.2019 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