

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 874 of 2019**

- Panku Kashyap, S/o Haroram Kashyap Aged About 17 Years, Through Natural Guardian Elder Father Bhadra, S/o Bansingh, Aged About 40 Years, R/o Village- Badealnar, Tahsil- Bastar, District : Bastar(Jagdarpur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh, Through Police Station-Kondagaon, District : Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Shri Avinash K. Mishra, Advocate.
 For Respondent/State: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

20/08/2019

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 04.07.2019 passed in Criminal Appeal No. 25/2019 by the Learned Additional Sessions Judge, Kondagaon, District - Kodagaon (C.G.), whereby the Learned Principal Magistrate has rejected the appeal arising out of order dated 12.06.2019 passed in Crime No. 106/2019 dismissing the bail application of the present applicant by the Juvenile Justice Board, Kondagaon, C.G.

2. As per the case of prosecution on 27.04.2019, the prosecutrix lodged a FIR before the police station Kondagaon stating in it that on 26.04.2019, when she was attending one of marriage in her village, at about 11.00 p.m. she went near the field, along with one of her friend to answer the nature call, at that time the applicant along with the other co-accused persons came there and forcibly committed rape on her. Based on this, an FIR has been registered against the Applicant and other co-accused and the applicant has been arrested. He 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. He further submits that orders passed by both the Courts below are improper and contrary to the law. In

view of the provisions contained in Section 12 of the Juvenile Justice Act, the applicant deserves to be released on bail.

4. Counsel for the State submits that the order passed by 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.
6. 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.
7. In view of above consideration, the impugned order dated 04.07.2019 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.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge