

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No.1048 of 2019

- Bhagwat @ Chotu, Through – Mother Krishna Bai Verma W/o - Ramratan Verma, Aged About 41 Years S/o - Ramratan Verma Rma, Aged About 17 Years 2 Month, R/o - Village Pallari, Police Station Pallari, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through District Magistrate, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant : Shri Hemant Gupta, Advocate.
For Respondent/State: Shri B.L. Sahu, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

19.09.2019

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 08.08.2019 passed in Criminal Appeal No. 81/2019 by the Learned First Additional Sessions Judge(FTC), Baloda-Bazar, Bhathapara (C.G.), whereby the learned Children Court has rejected the appeal arising out of order dated 31.07.2019 passed in Criminal Case No. 303/2019 dismissing the bail application of the present

applicant by the Principal Magistrate, Juvenile Justice Board, Balodabazar.

2. The prosecution story in brief is that the complainant has lodged a report against the applicant that he has committed unnatural sexual intercourse with the victim who is aged about 08 years. The applicant has been taken into custody since 24.07.2019. 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. In view of provision 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 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 08.08.2019 could not be sustained and is therefore, set aside. Accordingly, the application under Section 12 of the Act 2015 is allowed.
7. It is therefore, directed that the applicant be released on bail on the conditions given below :-
 - I. The Applicant shall be released on bail forthwith on his father/legal guardian

furnishing a personal bond in the sum of Rs. 25,000/-, with one surety in the like sum to the satisfaction of the Juvenile Justice Board.

II. The applicant shall appear before the Juvenile Justice Board on all such subsequent dated as and when given to him, till the disposal of the case.

III. Father/natural guardian of the applicant shall file an undertaking that the applicant will not indulge in criminal activities during the bail period, otherwise, his bail will automatically stand canceled.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge