

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1029 of 2019**

- Rohit Vishwakarma @ Mohit Ram Son of late Rajkaran Vishwakarma, aged about 17 years, minor represented through legal guardian- mother Somari, resident of Nawapara Ward No. 16 Police Station Gandhinagar, District Surguja (C.G.)

---- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, P.S. Gandhinagar District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri D. N. Prajapati, Advocate.
For Respondent/State	:	Shri Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

13/09/2019

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 17.07.2019 passed in Criminal Appeal No. 91/2019 by the Additional Sessions Judge, FTC, Surguja (Ambikapur) (C.G.), whereby the learned Additional Sessions Judge has rejected the appeal arising out of order dated 05.07.2019 passed in Criminal Case No. 34/2019 dismissing the bail application of the present applicant by the Juvenile Justice Board, Ambikapur District Surguja.
2. This is the revision petition filed by the accused, who is juvenile. The prosecution story in brief is that the prosecutrix and applicant are well known to each other and on the date of

incident, she was going to purchase daily used article from Kirana Shop, at that time, in the way, the applicant met with her, took her in the field of one Udiya Pandit, where co-accused Abhishek Tamrakar came there and both administered her cold drinks and after consuming cold drinks, the prosecutrix became unconscious and then the accused persons committed sexual intercourse with her. On the date of occurrence the present applicant being juvenile. He was sent to juvenile home on 12.04.2019. 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. The applicant is in Jail since 12.04.2019 and he has completed more than one year and 5 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 17.07.2019 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