

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 1036 of 2019**

1. Jogindar @ Dauwa Ratre, S/o Shri Uttra Ratre, Aged About 16 Years, Caste Satnami, R/o Village Budera, Police Station Kharora, District Raipur Chhattisgarh (Minor) Through Natural Guardian Father Uttra Ratre.,
2. Aslal Kurre, S/o Shri Samokhan Kurre, Aged About 17 Years, Caste Satnami, R/o Village Mohmella, Police Station Arang, District Raipur Chhattisgarh, Presently Residing At Village Godwara Nearby Talab, Police Station Khamtarai, District Raipur Chhattisgarh (Minor) Through Natural Guardian Father Samokhan Kurre

---- Applicants**Versus**

- State Of Chhattisgarh, Through Police Station Vidhansabha, Raipur, District : Raipur, Chhattisgarh

---- Respondent

For Applicants : Shri B.L. Sahu, Adv.
 For Respondent/State: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

12.09/2019

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 29.07.2019 passed in Criminal Appeal No. 395/2019 by the Seventh Additional Sessions Judge, Raipur (C.G.), whereby the Additional Sessions Judge has

rejected the appeal arising out of order dated 17.07.2019 passed in Criminal Case No. 276/2019 dismissing the bail application of the applicants by the Juvenile Justice Board, Raipur, C.G.

2. As per the case of prosecution, the Complainant lodged a report that her daughter was missing since 01.06.2019 and on being searched she was recovered on 03.06.2019 and she stated that on 01.06.2019 she stayed in the phool chowk and on 02.06.2019 at about 9.00 p.m. when she was coming from baloda, at that time the accused/applicants forcibly dragged her and take her towards the field and committed forcible sexual intercourse with her. Based on this, FIR has been registered against the Applicants. The applicants have been arrested on 03.06.2018. They 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 applicants 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 applicants have 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 provision contained in Section 12 of the Juvenile Justice Act, the applicants deserves to be released on bail. The applicants are in custody since 03.06.2018.

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 03.06.2019 could not be sustained and is

therefore, set aside. The application under Section 12 of the Act of 2015 is allowed. The applicants shall be released on bail forthwith on furnishing a personal bond in the sum of Rs. 25,000/-,(to each) by their parents or guardians, as the case may be, to the satisfaction of the Juvenile Justice Board for their appearance before the Board, as and when directed.

8. The revision is accordingly allowed.

Sd/-
(Rajani Dubey)
Judge