

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1087 of 2018**

Pramod @ Lallu Son of Sukhlal Tirkey, aged about 17 years, Caste Uraon, Occupation Student R/o Village Amgaon, Manapra, Police Station Churcha, District Kora (C.G.) through the legal guardian father Sukhlal Tirkey, aged about 40 years, Caste Uraon, Occupation Cultivator, R/o Village Amgaon, Manapara, Police Station Churcha, District Kora (C.G.).

----Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police Station Churcha, District Koria (C.G.).

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

25/02/2019

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 (in short 'the Act 2015) against judgment dated 25/09/2018 passed in Criminal Appeal No. 527/2018 by the Sessions Judge, Baikunthpur, whereby the Sessions Judge has rejected the appeal arising out of order dated 29/08/2018 dismissing his bail application passed in Criminal Case No. 75/2018 by the Juvenile Justice Board, Baikunthpur.
2. In this case, the Prosecutrix is a girl aged about 17 years. There are 4 accused persons including the Applicant. As per prosecution story, it is alleged that co-accused Devnandan, on the pretext of marriage, committed sexual intercourse with the Prosecutrix on several occasions and ultimately refused to marry with her. He performed marriage with another lady. On

24/05/2018 at about 8:00 pm, the Prosecutrix along with her nephew were returning after call of nature, it is alleged that co-accused Devnandan met her and stopped her. Thereafter, he called other accused persons namely Rajeev Xalxo, Amarjeet Tirkey @ Kular and the Applicant. They all taken the Prosecutrix in the field side and then committed sexual intercourse with her one by one. A report was made by the Prosecutrix against them. The Applicant has been arrested on 26/08/2018. He filed an application under Section 12 of the Act, 2015 for grant of bail, which was dismissed. Against the said dismissal, an appeal was preferred which was also dismissed. Hence, this revision.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant has been falsely implicated in the present case. He further submits that the Applicant is a juvenile who is in custody since 26/05/2018, main accused is Devnandan and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological and physical state of mind. Therefore, he may be extended the benefit of bail.
4. Learned Counsel appearing for the State opposes the prayer for grant of bail and supported the impugned judgment.
5. I have heard Learned Counsel appearing for the parties and perused the social investigation report and other material available on record.
6. Considering the nature of allegation, facts of the case and the fact that the Applicant is in observation home since 26/05/2018 and social investigation report does not suggest that on his release, he will come in contact with

any known criminal or there would be danger to his psychological and physical state of mind, I am inclined to allow this revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 25/09/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge