

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No. 1226 of 2019

- Riyanshu Garg @ Monti S/o Vijay Kumar Garg Aged About 14 Years Through His Mother Smt. Amrata Bai, W/o Vijay Kumar Garg, Aged About 38 Years R/o Guru Ghasidas Nagar, Camp-2, P. S. Chhawani, Bhilai, District Durg Chhattisgarh

---- *Petitioner*

Versus

- State Of Chhattisgarh Through District Collector, Durg Chhattisgarh P.S. Chhawani, District Durg Chhattisgarh

---- *Respondent*

For Petitioners	:	Mr. Rajesh Jain, Advocate.
For State/respondent	:	Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-11-2019

Heard.

1. This petition has been brought being aggrieved by the impugned judgment dated 13.09.2019 passed by the Court of Fifth Additional Sessions Judge, F.T.C./Juvenile Court, Durg, District- Durg, C.G. for dismissing the appeal of the applicant/juvenile for grant of bail.
2. It is submitted by the learned counsel for the applicant that the applicant is a juvenile of age only 14 years and no reason has been arisen for dismissing his prayer for bail as it is required under Section 12 of the Juvenile Justice Care and Protection Act, 2015. Therefore, it is prayed that applicant be granted bail.
3. Learned counsel for the State oppose the application and submits that in this particular case, the child victim, who has been ravished, is nearly of age 3 years and, therefore, looking to the totality of the incident, the applicant is not entitled for grant of bail.
4. Heard learned counsel for both the parties and perused the documents.
5. According to prosecution case, this applicant has ravished the child of

only 3 years of age because of which he has been prosecuted for commission of offence under Section 376 of I.P.C. and Section 4 and 6 of POCSO Act.

6. According to case diary, there is no positive medical report and apart from that the order of rejection by the Courts below is passed only on this fact that the incident is of grave nature. Section 12 of Act, 2015 provides that grant of bail is rule, however, rejection is exception. Therefore, in such cases, the gravity of offence is never a consideration for grant or rejection of bail. Hence, for these reasons, I feel inclined to allow this application and also that this applicant has no previous criminal antecedents and there are no chance that he is living in association of criminal element. Therefore, I feel inclined to allow this application.
7. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioner, he may be handed over in custody of his parents or guardian, on condition that the petitioner shall be taken care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.
8. Accordingly, the petition stands disposed off.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge