

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1224 of 2018**

Inder Patel S/o Kundan Patel, aged about 17 years R/o Village Mararkashi Bahra, Police Station Khallari, Distt. Mahasamund (C.G.)

----Applicants**Versus**

State of Chhattisgarh, through District Magistrate Mahasamund, Distt. Mahasamund (C.G.).

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****15/02/2019**

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 the judgment dated 28/06/2018 passed in Criminal Appeal No. H-59/2018 by the Juvenile Court/ Additional Sessions Judge (FTC) Mahasamund, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 20/06/2018 dismissing his bail application passed in Crime No. 102/2018, Police Station Khallari by the Juvenile Justice Board, Mahasamund.
2. As per prosecution story, on 05/06/2018, the Prosecutrix who is a minor girl aged about 10 years, returned to her house on her bicycle. It is alleged by her that the Applicant forcibly took her in the field and committed sexual intercourse with her. Offence under Section 376 IPC and Section 4 of the POCSO Act was registered. The Applicant has been arrested on.

06/06/2018. 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 due to some previous enmity. He further submits that though in Court statement, the Prosecutrix stated that the Applicant committed sexual intercourse with her, from the medical report of the Prosecutrix, it seems that only sexual assault has been done because her hymen was found intact. He further submits that the Applicant is a juvenile who is in custody since 06/06/2018 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 06/06/2018 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 28/06/2018 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

Rahul