

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1155 of 2018**

Vishnu Noniya @ Chhotan S/o. Shiv Prasad Noniya, aged about 16 years R/o Sukulpara Kharoud, Police Station Shivrinarayan, District Janjgir-Champa (C.G.) Minor through guardian Brother namely Purushottam Noniya S/o. Shiv Prasad Noniya, aged about 27 yers, R/o Sukulpara Kharoud, Police Station Shivrinarayan, District Janjgir-Champa (C.G.).

----Applicant**Versus**

State of Chhattisgarh through the Police of Police Station Shivrinarayan, District Janjgir-Champa (C.G.).

---- Respondent

For Applicant	:	Mr. Govind Dewangan, Advocate
For Respondent	:	Mr. Alok Dewangan, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

11/02/2019

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 13/07/2018 passed by the Additional Sessions Judge, (FTC) Janjgir, District Janjgir-Champa in Bail Application No. 46/2018, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 04/07/2018 dismissing his bail application passed in Criminal case No. 60/2018 by the Juvenile Justice Board, Janjgir.
2. In this case the Prosecutrix is girl aged about 19 years. There are four accused persons including present Applicant. FIR has been lodged by the Prosecutrix alleging therein that co-accused Sagar Yadav called her and took her near tank where three persons including present Applicant were present. They all have committed gang rape with her. On the basis of said

report, offence has been registered. The Applicant has been arrested on 20/03/2018. 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 Prosecutrix has already examined before the trial Court and she has not stated anything against the Applicant regarding rape. She has turned hostile. He further submits that the Applicant is juvenile aged about 16 years, he has no criminal antecedent 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 20/03/2018 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

13/07/2018 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