

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1229 of 2018**

Jaikishan Verma, S/o Suresh Verma, aged about 16 years through Father Suresh Verma, R/o Nevai Basti, Umarpoti, Vijay Chowk, Police Station Nevai, District Durg (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through the District Magistrate, Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Uttam Pandey, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**14/01/2019**

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 06/10/2018 passed by the 5th Additional Sessions Judge, Durg (FTC) in Criminal Appeal No. 261/2018, whereby the 5th Additional Sessions Judge has rejected the appeal arising out of order dated 28/09/2018 dismissing his bail application passed in Criminal Case No. 315/2018 by the Juvenile Justice Board, Durg.
2. In this case, the Prosecutrix is a girl aged about 13 years. A report was made by her stating therein that on 21/06/2018 at about 12 noon, when she was going to the house of her maternal grand-mother, it is

alleged that the Applicant came there and caught hold her and committed forcible sexual intercourse with her. Thereafter, he threatened the Prosecutrix and fled away from the spot. On the basis of said report, offence has been registered. The Applicant has been arrested on 22/06/2018. 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. The Applicant is a juvenile aged about 16 years 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 22/06/2018 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 06/10/2018 is set-aside. It is directed that the Applicant shall be released on bail on his furnishing two 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