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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 1371 of 2018

Arjun Lal Dhidhi @ Bodu S/o Shri Madho Prasad Dhidhi, aged about 17 years Through Legal Guardian Father Shri Madho Prasad Dhidhi R/o Janjgira, P.S. Sarsiva, District Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh Through the District Magistrate Balodabazar, District Balodabazar-Bhatapara (C.G.).

---- Respondent

For Applicant : Mr. S.K. Guha, Advocate
For Respondent : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

06/02/2019

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 23/10/2018 passed by the First Additional Sessions Judge, (FTC) in Criminal Appeal No. 121/2018, whereby the First Additional Sessions Judge has rejected the appeal arising out of order dated 26/09/2018 dismissing his bail application passed in Criminal case No. 89/2018 by the Juvenile Justice Board, Baloda-bazaar.

2. In this case, the Prosecutrix is a girl aged about 16 years. On 17/07/2018 a report was made by her alleging therein that on the pretext of marriage, the Applicant committed sexual intercourse with her, due to which she got pregnant and ultimately the Applicant refused to marry with her. On the basis of said application, offence has been registered and the Applicant

has been taken into custody on 05/08/2018. 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 juvenile aged about 17 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 05/08/2018 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 23/10/2018 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