

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1303 of 2018**

Sadhuram S/o Sonaru, aged about 17 years, Through his natural guardian (father) Sonaru S/o Gadru, aged about 49 years, Caste Gond, R/o Village Chapar Bhanpur, P.S. Badanji, Distt. Bastar (C.G.).

---- Applicant**Versus**

State of Chhattisgarh Through P.S. Badanji, Distt. Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Vikash A. Shrivastava, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

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 11/10/2018 passed by the 3rd Additional Sessions Judge, Jagdalpur, Distt. Bastar in Criminal Appeal No. 34/2018, whereby the 3rd Additional Sessions Judge has rejected the appeal arising out of order dated 12/09/2018 dismissing his bail application passed in Criminal Case No. 10/2018 by the Juvenile Justice Board, Jagdalpur.
2. As per prosecution story, on 30/11/2017 the Prosecutrix, a minor girl, had gone for watching some cultural program along with her friends. It is alleged that the Applicant, by alluring her to get marry, took her to

his Aunt (Badi Maa) and committed sexual intercourse with her. A report was made by father of the Prosecutrix and the offence has been registered against the Applicant. The Applicant has been arrested on 04/12/2017. 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 17 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 04/12/2017 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 11/10/2018 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