

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1366 of 2018**

Balmik S/o Late Mohal Lal Ghasiya, aged about 17 years R/o Village Jaiti, P.S. Janakpur, District Koriya (C.G.) Through his natural guardian mother Chiromiya Bai W/o Late Mohal Lal Ghasiya, aged about 60 years R/o Village Jaiti, P.S. Janakpur, Distt. Koriya (C.G.).

----Applicant**Versus**

State of Chhattisgarh Through Station House Officer, P.S. Janakpur, District Koriya (C.G.).

---- Respondent

For Applicant	:	Mr. Amit Kumar, Advocate
For Respondent	:	Mr. D.P. Singh, Dy. Advocate General

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

05/02/2019

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 15/10/2018 passed by the Sessions Judge, Baikunthpur, District Koriya in Criminal Appeal No. 91/2018, whereby the Sessions Judge has rejected the appeal arising out of order dated 29/08/2018 dismissing his bail application passed in Criminal case No. 71/2018 by the Juvenile Justice Board, Baikunthpur.
2. In this case, the Prosecutrix is a girl aged about 17 years. On 31/05/2018 she made a report alleging therein that the Applicant, on the pretext of marriage, committed sexual intercourse with her for last two years and ultimately refused to marry with her. He also assaulted her and threatened her not to disclose this to anyone. On the basis of above report, offence

has been registered and the Applicant has been arrested on 30/05/2018. 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 30/05/2018 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 15/10/2018 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