

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No. 1382 of 2018**

1. Minor Sandeep Khatwani S/o Laxman Khatwani, aged about 15 years, through his natural guardian father Laxman Khatwani S/o Khemraj Khatwani, aged about 56 years R/o Bapu Nagar Raigarh, Tahsil and District Raigarh (C.G.).
2. Minor Abhay Sona S/o Bablu Sona, aged about 17 years through his natural guardian father Bablu Sona S/o Tarini Sona, aged about 35 years, R/o Bapu Nagar, Raigarh, Tahsil and District Raigarh (C.G.).

----Applicants**Versus**

State of Chhattisgarh Through District Magistrate, Raigarh, District Raigarh (C.G.).

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel
Order on Board

15/02/2019

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 19/09/2018 passed in Criminal Appeal No. 143/2018 by the Incharge Additional Sessions Judge (FTC) Raigarh, whereby the Additional Sessions Judge has rejected the appeal arising out of order dated 12/09/2018 dismissing his bail application passed in Criminal case No. 9/2016 by the Juvenile Justice Board, Raigarh.
2. In this case, the Prosecutrix is a girl aged about 15 years. On 25/11/2018, she came to reside at her relatives house situated at Rambhatha, Raigarh. On the same day, when she was roaming in garden along with her

neighbour, it is alleged that the Applicants came there and introduced themselves. Thereafter, the Applicants taken the Prosecutrix inside the toilet of the garden and committed sexual intercourse with her. The matter was reported by the Prosecutrix. Offence was registered. The Applicants have been arrested on 27/11/2017. They 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 Applicants submits that the Applicants have been falsely implicated in the present case. He further submits that the Prosecutrix as well as other material witnesses have already been examined. None of the witness has supported the case of the prosecution. All witnesses have turned hostile. The Applicants are minors, they have no criminal antecedent and the social investigation report does not suggest that on their release, they will come in contact with any known criminal or there would be danger to their psychological and physical state of mind. Therefore, they 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 Applicants are in observation home since 27/11/2017 and social investigation report does not suggest that on their release, they will come

in contact with any known criminal or there would be danger to their psychological and physical state of mind, I am inclined to allow this revision and release the Applicants on bail.

7. Consequently, the revision is allowed and the impugned judgment dated 19/09/2018 is set-aside. It is directed that the Applicants shall be released on bail on each of them furnishing two local sureties each of Rs. 25,000/- to the satisfaction of the concerned Juvenile Justice Board for their appearance before the Board as and when directed by the said Board.

Sd/-
(Arvind Singh Chandel)
Judge