

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**Cr.R. No. 77 of 2020**

- Sohrab Ali S/o Jumman Ali Aged About 18 Years Through Natural Guardian Jumman Ali, R/o Near Gafur Masjid, Moudhapara, Police Station Moudhapara, District Raipur Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Telibandha, Raipur, District Raipur Chhattisgarh

**--- Non-applicant**

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|-------------------------|-----------------------------------------------------------|
| For Applicant           | – Mr. Y.C. Sharma along with Mr. Ajay Chandra, Advocates. |
| For State/Non-applicant | – Mr. Arijit Tiwari, Panel Lawyer.                        |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**  
**Order on Board**

**14-02-2020**

Heard.

1. This revision has been brought challenging the impugned order dated 19.11.2019 passed by the Court of 7<sup>th</sup> Additional Sessions Judge, Raipur, C.G. dismissing the appeal filed by the applicant under Section 101 of Juvenile Justice Act and upholding the order of Juvenile Justice Board by which the application for grant of bail to the applicant was dismissed. Earlier Cr.R. No.1544 of 2019 was filed by the applicant which was dismissed as withdrawn on 20.12.2019.
2. It is submitted by the learned counsel for the applicant that the learned Court below has committed error in passing the impugned order. There is evidence to show that this applicant has not played any role in committing the offence of extortion from the victim and neither he is the

person who prepared the obscene video of the victim. The applicant had been used by the other co-accused person. On the other hand, the applicant and the victim had a love affair between them. It is also submitted that there is nothing against the applicant in the social status report filed by the Probation Officer. Therefore, the order refusing bail to the applicant is totally erroneous, arbitrary and against the provisions of law.

3. Learned counsel for the State/respondent opposes the submissions and submits that the age of the applicant in this case had been above 16 years and according to the social status report, the applicant was capable to understand consequence of the act done by him. The applicant has knowingly participated in the commission of offence along with the co-accused persons, therefore, he has no entitlement for grant of bail.
4. Heard learned counsel for the parties and perused the documents.
5. According to the prosecution case, the prosecutrix/victim herself is a minor girl. Since about 2 years prior to the lodging of F.I.R., the co-accused persons namely Adarsh Agrawal, Ujjawal Thakur, Vijayant Pandey and Aman Agrawal had been extorting money and had taken amount of Rs.8-9 lakhs from the victim on pretext that co-accused Vijayant Pandey is suffering from cancer and for the treatment of which he requires money. The victim when came to know about the deceit played with her then she stopped talking with the applicant and the co-accused persons. It is alleged that thereafter the applicant and the co-accused persons conspired to trap the victim and then brought her to the place of co-accused- Ujjawal Thakur, where he raped her and at the same time a video was recorded of that act. Subsequent to that,

the applicant and the co-accused persons threatening the victim that video will be made viral and made a demand of Rs.80,000/- which was compelled to pay. Subsequent to that, the matter was disclosed to the father of the victim and then F.I.R. has been lodged.

6. It is not a simple case of love affair of two minors, the allegations are serious showing professionalism. Therefore, I am of this view that this is not a fit case where the applicant should be benefited with grant of bail, it is better for his future that he should continue in observation home as long as the law permits.
7. Accordingly, the petition is disposed off.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
**Judge**

Monika