

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.R. No.227 of 2020

- Sonu Das Manikpuri S/o Shri Manharan Das Manikpuri Aged About 17 Years Through His Father Manharan Das Manikpuri, S/o Shri Gyan Das Manikpuri, R/o Mahatma Gandhi Nagar, Amlidih, Police Station Rajendra Nagar, District- Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur, District- Raipur, Chhattisgarh

--- Non-applicant

For Applicant	:	Mr. Pragalbha Sharma, Advocate.
For State/respondent	:	Mr. Adil Minhaj, Govt. Advocate.

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

16-06-2020

Heard.

1. This petition has been brought being aggrieved by the impugned judgment dated 02.01.2020, passed in Criminal Appeal No.594/2019, by the Children's Court, Additional Sessions Judge, Raipur, C.G., in which the order of rejecting the prayer for grant of bail passed by the Juvenile Justice Board has been upheld.
2. It is submitted by the learned counsel for the applicant that the applicant and the prosecutrix both had a love affair, which is confirmed from the statement given by the prosecutrix under Section 164 of Cr.P.C. Further, the prosecutrix who is pregnant, is now residing in the house of the applicant. The social status report given was not altogether against the applicant, therefore, the learned Courts below have passed erroneous

order, which needs to be interfered with.

3. Learned counsel for the State oppose the application and submits that the age of the prosecutrix was 15 years and 03 months only and further, the prosecutrix has herself stated clearly that the applicant had physical relation with her because of which, she became pregnant. The social status report also mentions that the applicant is in need of formal education as well as moral education and also he needs to be associated in proper society, therefore, the institutional care and custody of the applicant is at present required for his betterment. Hence, there is no ground for any interference in the impugned order.
4. Heard learned counsel for both the parties and perused the documents.
5. The allegation against the applicant, who is juvenile in conflict with law is this that he had sexually exploited the minor prosecutrix because of which she became pregnant regarding which this F.I.R. has been lodged. The prosecutrix has given statement under Section 164 of Cr.P.C. mentioning her affair with the applicant. The social status report given is not altogether against the applicant and at present it is the natural father of the applicant who is seeking the custody of this applicant.
6. After considering all the facts and circumstances and also that the specific ground that was required to be made out for rejection of prayer of bail under Section 12 of the Juvenile Justice Care and Protection Act does not appear to be made out. Therefore, I feel inclined to allow this revision petition.
7. Hence, the petition is allowed and disposed off with this direction to the Juvenile Board that on furnishing bail bonds of Rs.25,000/- by the parent or guardians of the petitioner, he may be handed over in custody of his parents or guardian, on condition that the petitioner shall be taken

care of, he should be made to devote to the studies and that he should not be allowed to associate with any criminal elements.

8. Accordingly, the petition stands disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Monika