

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 373 of 2020

Khileshwar Sahu Aged About 17 1/2 Years, R/o Railway Station Para, Charmudiya, Police Station-Kurud, Tahsil-Kurud, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Kurud District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For Respondent	: Mr. D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-07-2020

1. This revision petition has been preferred against the judgment dated 27.2.2020 in Criminal Appeal No. 13 of 2020 passed by the Learned Additional Sessions Judge, Dhamtari, dismissing the appeal and upholding the order of Juvenile Justice Board, by which the application for bail filed by the applicant was dismissed.
2. It is submitted by counsel for the applicant that the applicant is in observation home since 13.4.2019 and he has been falsely implicated in this case. The complainant in this case is the real sister of this applicant who had an affair with a boy named Rajkumar. A false FIR has been lodged against the applicant by the prosecutrix after being pressurized by the said Rajkumar. The prosecutrix has later on realizing that she has lodged a false report against this applicant, she has given a complaint to the Superintendent of police, District Dhamtari, in which she has mentioned that she has lodged FIR after being put to threat and

under the influence of Rajkumar and his sister. Her father has also lodged a complaint against Rajkumar and others on which no action has been taken. It is further submitted that there had been nothing adverse against the applicant in the social status report. The Board as well as the Appellate Court both have committed error in passing the orders. Hence, it is prayed that by allowing this revision petition interference is sought for in the orders of the Board as well as the Appellate Court.

3. Learned State counsel opposes the submissions made and the grounds raised in the revision petition. It is submitted by State counsel that the applicant has committed the offence of rape with his own sister and the Juvenile Justice Board may decide that whether the applicant has to be tried as an adult by the Child Court or not, therefore, it is not a fit case for grant of bail. However, learned Board as well as the Appellate Court both have not committed any error. Hence, the revision be dismissed.
4. Heard counsel for both the parties and perused the documents.
5. The applicant is the juvenile in conflict with law. His age had been above 17 years at the time of incident. The prosecutrix who is minor sister of this applicant has alleged that this applicant had on number of occasions committed the offence of rape with her because of which, she has become pregnant.
6. The prosecutrix has given similar statement to the police under Section 164 of the Cr.P.C. before the Judicial Magistrate First Class. The social status report mentions differently that the prosecutrix was compelled by Rajkumar and her aunt to lodge false FIR against the applicant. However, this statement has given by the witnesses concerned in the police investigation.

7. Considered the submissions and also the facts of the case, for the present. It is found that the prosecutrix had been consistent in making statement against the applicant in the complaint, under Sections 161 and 164 of the Cr.P.C. There being close relation of the applicant and the prosecutrix, therefore, the element of influence on the prosecutrix cannot be ruled out. The allegations in this case are derogatory to the moral values of the society and it cannot be said to be an offence of natural instinct. Although, the applicant has no criminal antecedents and the social status report also does not mention any circumstance, but I am of this view that the applicant is already on the edge of morality as the details of the offence disclose that it is a basest crime and his release may defeat the ends of justice. Therefore, I do not find any error in the order passed by the Board as well as the Appellate Court and there is no ground to allow this revision petition.
8. Accordingly, this revision petition is dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge