

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1423 of 2019

Bharat Lal Rajak Aged About 17 Years Minot Through The Legal Guardian
Father Latel Ram Rajak, R/o Naveen Chowk Rajak Mohalla, Village Mangla,
Thana Civil Lines, District- Bilaspur, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Women Cell Bilaspur,
Chhattisgarh.

-----Respondent

For Petitioner	: Mr. Animesh Verma, Advocates
For Respondent/State	: Mr. Sudeep Verma, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/03/2020

1. Challenge in this petition is to the order dated 07.08.2019, passed by learned Additional Sessions Judge (FTC), Bilaspur (C.G.), in Criminal Appeal No. 184/2019, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Bilaspur, District – Bilaspur dated 26.06.2019, in Criminal Case No.157/2019 has been dismissed, whereby the applicant has been denied bail.
2. It is submitted that the applicant has been falsely implicated in this case because of the enmity with the family of the victim. The medical report is totally negative as the doctor has opined that

definite opinion can not be given regarding the commission of offence with the victim. The social status report was also in favour of the applicant, even then the learned Board and the appellate Court failed to exercise their jurisdiction in granting bail to the applicant. It is prayed that revision be allowed and the relief be granted to the applicant.

3. State counsel opposes the petition and grounds raised in this respect. It is submitted that the victim in this case is a girl of five and half years of age only and there is direct statement made by her under Section 164 of Cr.P.C. against the applicant regarding the act committed by him. The offence committed is heinous in nature, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. Considered on the submissions made. The medical examination report of the victim/prosecutrix mentions no definite opinion. Social status report appears to be in favour of the applicant and there happens to be no reason present on the basis of which, prayer for bail should have rejected as provided under Section 12 of the Juvenile justice (Care and Protection) Act, 2015, therefore, I feel inclined to allow this revision petition.
6. Consequently, the order dated order dated 07.08.2019, passed by learned Additional Sessions Judge (F.T.C.), Bilaspur (C.G.), in Criminal Appeal No. 184/2019, is set-aside. It is directed that applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father to the satisfaction of the

concerned Juvenile Justice Board, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram