

## Vijayant Pandey Vs State Of Chhattisgarh

**Court:** Chhattisgarh High Court

**Date of Decision:** May 27, 2019

**Acts Referred:** Juvenile Justice (Care And Protection Of Children), Act 2015 " Section 12, 102

Indian Penal Code, 1860 " Section 363

Code Of Criminal Procedure, 1973 " Section 164

**Hon'ble Judges:** Rajani Dubey, J

**Bench:** Single Bench

**Advocate:** Devershi Thakur, K.K. Dewangan

**Final Decision:** Allowed

### Judgement

Rajani Dubey, J

1. This revision has been preferred under Section 102 of the Juvenile Justice (Care and Protection of Children), Act 2015 against the order dated

01/04/2019 passed by the learned 7th Additional Sessions Judge, Raipur (C.G.) in Criminal Appeal No. 178/2019, arising out of order dated 24/01/2019

passed in criminal case No. 77/19.

2. In this case prosecutrix is a girl aged about 17 years, at the relevant time she was studying in Class 11 th. On 30.12.2018, father of the prosecutrix

namely Rajendra lodged a missing report in police station of her daughter/prosecutrix. On the basis of said report, initially offence under Section 363 of

the I.P.C. has been registered. Later on she was recovered and thereafter her statement was recorded. On the basis of her statement, other offence

have been added. It was further alleged that applicant Vijendra Pandey and co-accused Aadarsh Agrawal and Ujjawal Thakur were acquainted to

prosecutrix and later on co-accused Sohrab became friend of prosecutrix. On the date of incident, co- accused namely Sohrab and applicant Vijendra

Pandey took the prosecutrix to the home of co-accused Aman Agrawal, where co- accused Sohrab forcibly committed sexual intercourse with her. It

is further alleged that the co-accused Aman Agrawal and applicant Vijendra Pandey made obscene video of the prosecutrix and they demanded Rs.

80,000/- for deleting the said video and told her that if she did not fulfill their demand, they would circulate the obscene video of her. On the basis of

above, offence has been registered and the applicant has been taken in custody on 07.01.2019 and since then he is in observation home. The applicant

filed an application under Section 12 of the Act, 2015, 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 applicant submits that the applicant has been falsely implicated in the present case. He further submits

that in her statement recorded under Section 164 of CRPC she does not state anything against the applicant. The applicant is juvenile, he is in custody

since 07/01/2019 and the social investigation report does not suggest that on his release, he will come in contact with any known criminal or there

would be danger to his psychological and physical state of mind. Therefore, he 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 Applicant is in observation home since 07/01/2019 and the social

investigation report does not suggest that on his release, he will come in contact with any known criminal or there would be danger to his psychological

and physical state of mind, I am inclined to allow this revision and release the Applicant on bail.

7. Consequently, the revision is allowed and the impugned order dated 01/04/2019 is set-aside. It is directed that the Applicant shall be released on bail

on his furnishing two sureties each of Rs. 20,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the Board as

and when directed by the said Board.