
(2018) 05 CHH CK 0137

Chhattisgarh High Court

Case No: Criminal Revision No. 1123 Of 2017

Rahul Barman And Ors

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: May 15, 2018

Acts Referred:

- Indian Penal Code, 1860 - Section 376(), 506
- Protection Of Children From Sexual Offences Act, 2012 - Section 4

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Rajeev Kumar Dubey, M. Asha

Final Decision: Allowed

Judgement

Arvind Singh Chandel, J

1. This revision arises out of the judgment dated 15.6.2017 passed in Criminal Appeal No.85 of 2017 by the Additional Sessions Judge (FTC), Bilaspur,

by which the Learned Additional Sessions Judge has rejected the appeal arising out of the order dated 1.3.2017 passed by the Juvenile Justice Board,

Bilaspur rejecting the application for bail preferred on behalf of the Applicant, who has been sent to observation home on 6.2.2017 in connection with

Crime No.100 of 2017 registered at Police Station Civil Lines, Bilaspur for offence punishable under Sections 376(>) and 506 of the Indian Penal

Code and Section 4 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 30.1.2017 at about 12:00 noon, the prosecutrix, aged about 12 years, was in bathroom of her house. The

Applicant came to her house and knocked the door of the bathroom. It is alleged that thereafter he committed forcible sexual intercourse with her and threatened her of life. On 6.2.2017, the prosecutrix informed the incident to her family members and lodged a report in the police station. On the basis of the said report, the aforestated offence has been registered against the Applicant.

3. Learned Counsel appearing for the Applicant submits that the Applicant has falsely been implicated in the case due to a previous enmity between his parents and parents of the prosecutrix. First Information Report was lodged after 6 days of the alleged incident. Charge-sheet has been filed. The Applicant is in observation home since 6.2.2017. Therefore, the instant revision may be allowed and the Applicant may be extended the benefit of bail.

4. Learned Counsel appearing for the State opposes the prayer for grant of bail.

5. I have heard Learned Counsel appearing for the parties and perused the social investigation report dated 23.4.2018 with utmost circumspection.

6. I find that the social investigation report does not suggest that release of the Applicant would expose him to moral, psychological and physical danger. The report also does not suggest that on release of the Applicant there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.

7. Having considered the aforestated facts and circumstances of the case, the submissions put-forth, the social investigation report and that the Applicant is in observation home since 6.2.2017, I am inclined to allow this revision and release him on bail.

8. Consequently, the revision is allowed. The impugned judgment dated 15.6.2017 is set aside. It is directed that the Applicant shall be released on bail on furnishing a surety of Rs.20,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the said Board as and when directed by the Board.