

(2018) 02 CHH CK 0245

Chhattisgarh High Court

Case No: Criminal Revision No.1075 Of 2017

Arjun Tati

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

Date of Decision: Feb. 13, 2018

Acts Referred:

- Juvenile Justice (Care And Protection Of Children) Act, 2015 - Section 102
- Indian Penal Code, 1860 - Section 363, 366, 376(2) Protection Of Children from Sexual Offences Act, 2012 - Section 5(e), 6

Hon'ble Judges: Arvind Singh Chandel, J

Bench: Single Bench

Advocate: Pravin Kumar Tulsyan, Neeraj Kumar Sharma

Final Decision: Allowed

Judgement

Arvind Singh Chandel, J

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

1.11.2017 passed by the Additional Sessions Judge (FTC), South Bastar Dantewada in Criminal Appeal No.12 of 2017 by which the Additional

Sessions Judge has rejected the appeal arising out of the order dated 29.9.2017 passed by the Juvenile Justice Board, Dantewada rejecting the bail

application filed by the Applicant in connection with Crime No.111 of 2017 registered against him at Police Station Dantewada.

2. Facts of the case, in brief, are that Police Station Dantewada has registered Crime No.111 of 2017 against the Applicant for offences punishable

under Sections 363, 366, 376(2) of the Indian Penal Code and Sections 5(e) and 6 of the Protection of Children from Sexual Offences Act, 2012 on

the basis of allegation made against him by mother of the victim girl aged about 6 years. It is alleged that the Applicant tried to commit rape with the girl. The Applicant has been arrested in connection with the said crime and is in custody since 23.9.2017. He preferred a bail application which was rejected by the Juvenile Justice Board on 29.9.2017. He filed an appeal against the rejection of his bail application which has been dismissed vide the impugned judgment dated 1.11.2017.

3. Learned Counsel appearing for the Applicant submits that the Applicant is a juvenile. He is in custody since 23.9.2017. Charge- sheet has already been filed against him. The social investigation report does not suggest that on his release he will come in contact with any known criminal or there would be any danger to his psychological or 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.

5. I have heard Learned Counsel appearing for the parties and perused the case diary and the social investigation report dated 2.2.2018 with due care.

6. In this case, vide the social investigation report dated 2.2.2018, the Probation Officer does not suggest that release of the Applicant would expose him to moral, psychological or physical danger. The report also does not suggest that on his release, there is likelihood of bringing him in association with any known criminal and his release would defeat the ends of justice.

7. Considering the nature of allegation, the facts and circumstances of the case and the fact that the juvenile Applicant is in custody since 23.9.2017, I am inclined to allow this revision and release the Applicant on bail.

8. Consequently, the revision is allowed and the impugned judgment dated 1.11.2017 is set aside. It is directed that the Applicant shall be released on bail on furnishing 2 sureties each for Rs.25,000/- to the satisfaction of the concerned Juvenile Justice Board for his appearance before the said Board as and when directed by the Board.