

(2023) 11 JH CK 0040
In the Jharkhand High Court
Case No : Criminal Revision No.72 Of 2023

Khustar Ansari @ Arman @ Rehman

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 10-11-2023

Acts Referred:

Indian Penal Code, 1860 — Section 376D

Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6

Citation : (2023) 11 JH CK 0040

Hon'ble Judges : Rajesh Kumar, J

Bench : Single Bench

Advocate : Abhay Kr. Chaturvedi, Sushma Aind

Final Decision : Allowed

Judgement

Rajesh Kumar, J

1. The present criminal revision application has been filed against the order dated 11.11.2022, passed by the court of learned Special Judge, POCSO Act - cum- Children's Court, Palamau at Daltonganj, in Criminal Appeal Case No.32 of 2022, whereby the prayer for bail of the juvenile has been rejected in connection with Lesliganj P.S. Case No.123 of 2021, corresponding to Special POCSO Case No.15 of 2022 registered for the offence under Section 376D of the Indian Penal Code and Sections 4/ 6 of the POCSO Act.

2. The juvenile in conflict with law, who in custody since 30. 12.2021, has approached this Court for his release on bail through his father, who is ready and willing to maintain and take proper care of the juvenile in his custody. It has further been submitted that the juvenile has been made an accused of establishing sexual relationship with a minor girl. The case has been kept by the J.J. Board and it has not been sent to the Children's court for trial. On the above facts, prayer for bail has been made.

3. learned counsel for the State has opposed the prayer for bail.

4. Perused the social investigation report. Considering the social investigation report, the petitioner is directed to be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Principal Magistrate, Juvenile Justice Board, Palamau at Daltonganj in connection with Lesliganj P.S. Case No.123 of 2021, corresponding to Special POCSO Case No.15 of 2022, subject to the condition that one of the bailors must be the father of the petitioner. Further, the concerned Probation Officer is directed to report, once in a month, to the Juvenile Justice Board, Palamau at Daltonganj regarding up keeping of the minor.

5. Accordingly, the instant revision is allowed and the impugned order dated 11.11.2022, passed in Criminal Appeal Case No.32 of 2022 by the court of learned Special Judge, POCSO Act -cum- Children's Court, Palamau at Daltonganj,, is hereby, set aside.