

(2020) 01 RAJ CK 0079

In the Rajasthan High Court

Case No : Criminal Revision Petition No. 1492 Of 2019

Pana Ram @ Praveen

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 20-01-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 397, 401

Juvenile Justice (Care and Protection of Children) Act, 2015 — Section 12, 102

Indian Penal Code, 1860 — Section 323, 376

Citation : (2020) 01 RAJ CK 0079

Hon'ble Judges : Sandeep Mehta, J

Bench : Single Bench

Advocate : Sravan Sainee, Laxman Solanki

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner and learned Public Prosecutor. Perused the material available on record.

No one has appeared on behalf of the respondent-complainant despite service.

The instant revision has been filed under Section 397 and 401 Cr.P.C. read with Sections 12 and 102 of Juvenile Justice Act on behalf of the petitioner, who is in custody in connection with F.I.R. No.70/2019 P.S. Kalandri District Sirohi for the offences under Sections 376 & 323 IPC against the order dated 10.10.2019 passed by the learned Special Judge, POCSO Act Cases, Sirohi whereby the appeal preferred against the order dated 30.09.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Sirohi rejecting bail application preferred by the petitioner's natural guardian i.e. father under Section 12 of the Juvenile Justice Act, was dismissed.

Admittedly, the prosecutrix is a major widowed woman. She lodged the case against the petitioner alleging that he sexually exploited her for almost three years under a false promise to marry. It is the firm opinion of this court that

since the petitioner himself is a juvenile, manifestly, the complainant's expectation that he would marry her runs contrary to the mandate of the Child Marriage Restraint Act.

Thus, having regard to the facts and circumstances available on record and upon a consideration of the arguments advanced at the Bar, this Court is of the opinion that the petitioner is entitled to be enlarged on bail. Hence, the order rejecting the application for bail filed on behalf of the petitioner so also the order rejecting petitioner's appeal, cannot be sustained and deserve to be set aside.

Consequently, the instant revision is allowed. The impugned order dated 30.09.2019 passed by learned Principal Magistrate, Juvenile Justice Board, Sirohi so also order dated 10.10.2019 passed by the learned Special Judge, POCSO Act Cases, Sirohi are set aside. It is ordered that the accused-petitioner Pana Ram @ Praveen S/o Shri Raja Ram arrested in connection with F.I.R. No.70/2019, P.S. Kalandri, Sirohi shall be released on bail; provided her natural guardian i.e. father furnishes a personal bond of Rs.50,000/- and two surety bonds of Rs.25,000/- each to the satisfaction of the learned Kishore Nyay Board with the stipulation to appear before the Board on all dates of hearing and as and when called upon to do so.