
(2008) 11 RAJ CK 0012
In the Rajasthan High Court

Yogendra @ Jogendra

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 06-11-2008

Acts Referred:

Juvenile Justice (Care and Protection of Children) Act, 2000 — Section 53

Citation : (2009) 1 RLW 927

Hon'ble Judges : M.C. Sharma, J

Bench : Single Bench

Judgement

Mahesh Chandra Sharma, J.—This revision petition has been filed by the petitioner u/s 53 of the Juvenile Justice (Care & Protection of Children) Act, 2000 read with Section 397/401 Cr. P.C. against the order dated 13.10.2008 passed by the Addl. Sessions Judge No. 2, Bharatpur in Cr. Appeal No. 71/2008 by which the appeal filed by the petitioner has been dismissed and the order dated 22.9.2008 passed by the Principal Magistrate, Juvenile Justice Board, Bharatpur has been confirmed.

2. Brief facts of the case are that complainant Gopal Jatav submitted a written report at Reserve Centre, Nadhai on 28.8.2008 to this effect that in the night of 27.7.2008 at 8-8.30 PM his sister Meena aged 15 years went to meet with the general course of nature in the field. There the accused person with bad intention caught her and forcefully committed rape. After hearing noise of his sister, Umrao and Jal Singh reached there. Jogendra was caught red-handed. Thereafter, they brought injured to the home and took Jogendra to the police station.

3. On the basis of this written report; an FIR No. 333/2008 came to be registered for the offence u/s 376 IPC. The police commenced investigation against the accused petitioner. After investigation, the police submitted charge-sheet against the accused petitioner. Thereafter the petitioner moved bail application before the Principal Magistrate, Juvenile Justice Board, Bharatpur but the same was rejected vide order dated 22.9.2008.

4. The accused petitioner being aggrieved with the order dated 22.9.2008 passed by the trial Court preferred an appeal before the appellate Court.
5. The appellate Court after hearing both the parties confirmed the order dated 22.9.2008 passed by the trial Court vide order dated 13.10.2008.
6. The accused petitioner being aggrieved with the order dated 13.10.2008 passed by the appellate Court has preferred this petition before this Court.
7. In this revision petition Mr. Anurag Sharma has pointed out and submitted a photo-stat copy of S.B. Criminal Revision Petition No. 895/2008, Rakesh v. State of Rajasthan in which co-accused has been released on bail by this order and his prayer is very simple that the case of the said petitioner is not distinguishable from the person who has been released on bail in the aforesaid criminal petition. Hence the present petitioner may be given similar treatment as was earlier given in the case of Rakesh v. State of Rajasthan.
8. Learned P.P. opposed the petition.
9. For these reasons, I accept the petition of the petitioner provided he furnishes a personal bond through his natural guardian in the sum of Rs. 25,000/- with one surety in the like Amount to the satisfaction of the Principal Magistrate, Juvenile Justice Board, Bharatpur with the stipulation that on the subsequent date of hearing he shall appear before the said Court and any other date during the pendency of enquiry and the guardian shall keep proper look after the petitioner.

Hence this petition is disposed of accordingly.