

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6805 of 2015

Roshan Sen, S/o. Shri Santosh Sen, Aged About 15 Years, Through Natural Gurdian Father Santosh Sen S/o Shri Paryatan Sen, Aged About 39 Years, R/o Diprapara, Durg, Tahsil & District - Durg (Chhattisgarh)

---- Applicant

Versus

State of Chhattisgarh Through District Magistrate, Rajnandgaon, District Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicant	:-	Dr. Nirmal Shukla, Senior Advocate along with Mr. P.R. Patankar, Advocate
For Respondent/State	:-	Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/12/2015

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 253/2015 registered at Police Station – Dongargarh, District- Rajnandgaon (C.G.) for the offence punishable under Sections 302,307/34 of IPC.
2. Case of the prosecution, in brief, is that on 14.06.2015 at about 9.00 pm, the present applicant, Vikky Singh alongwith Roshan Sen at village – Murmunda Tomdibod Road assaulted Navin Bhivgade with knife and also assaulted one Tomesh Verma @ Raja Verma. Thereafter, the applicant was arrested.
3. Learned counsel for the applicant would submit that it is not in dispute that the applicant is the minor. He further submits that

Probation Officer report which is in favour of the applicant and proposes for release of the applicant, he being the minor, therefore, he prays that the applicant may be enlarged on bail. He further submits that the other co-accused persons namely Vikky Singh has already been granted bail by this High Court in M.Cr.C. No. 5661 of 2015 on 27.10.2015 and the present applicant may also be entitled for bail on the ground of parity.

4. On the other hand, learned State counsel opposes the bail application and submits that the order of rejection of bail is well merited.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. This fact is not in dispute that the applicant is a minor. The report of the Probation Officer is also enclosed, which is also not disputed by the State counsel which supports the fact and suggest that it would be in the interest of the applicant to be released. As has been held by the Hon'ble Supreme Court in case law reported in ***AIR 2014 SC 1649, Dr. Subramanian Swamy and Others. V. Raju Thr. Member, Juvenile Justice Board and another***, the gravity of offence in case of juvenile would be irrelevant. Certain guidelines have been issued by the Hon'ble Supreme Court in such judgment at para-38. Therefore, taking into the fact the guideline issued by Hon'ble Supreme Court and report of Probation Officer which has suggested that it would be in the interest of the applicant to be released as he is student. The report also purports that there are no likely that, he

would come in association with the known criminals. Considering the fact that the similarly placed co-accused persons have already been enlarged on bail by this court in M. Cr. C. No. 5661 of 2015 on 27.10.2015 , I am inclined to release the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on furnishing a personal bond by his father in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge