

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5427 of 2015**

Irshad Khan S/o Mohamed Khan, Aged about 15 years (minor)
 through natural guardian mother Smt. Shamima Begum W/o Shri
 Mohamed Khan, R/o Idgahbhatha Kabristaan, Police Station
 Azad Chowk, Raipur, Tahsil and District Raipur, Civil & Revenue
 District Raipur (CG)

---- Applicant

Versus

State of Chhattisgarh through the Station House Officer, Police
 Station Azad Chowk, Raipur, District Raipur (Chhattisgarh).

---- Respondent

For Applicant	:	Shri Kishore Narayan, Advocate
For Respondent/State	:	Shri Chandresh Shrivastava, P.L.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****09/10/2015**

This is the second bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who was arrested on 03.03.2014 in connection with Crime No. 32 of 2014 registered at PS Azad Chowk, Raipur for the offence punishable under Sections 294, 506, 307/34 IPC.

2. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 17.07.2014 with liberty to revive the same after the injured is examined.

3. Counsel for the applicant submits that though the injured has been examined before the Court below and he has supported the case of the prosecution yet the present second bail application has been pressed on the ground that the petitioner is a minor, he has already undergone jail sentence for a period of one year and seven months and the maximum sentence which can be imposed on the applicant being a minor is three years and as such the applicant has already undergone half of the sentence. Therefore, the applicant may be released on bail.

4. Per contra, counsel for the State submits that taking into consideration the deposition of the injured victim, the case of the prosecution stands squarely proved and as such the applicant does not deserve to be released on bail.

5. Considering the total facts and circumstances of the case particularly the fact that the applicant being a minor and he has already remained in jail for a period of one year and seven months, this Court is of the opinion that it is a fit case where the present applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that if the applicant furnishes a personal bond for a sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court, he shall be released on bail. The applicant is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

**Sd/-
(P. Sam Koshy)
JUDGE**