

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5653 of 2015**

1. Deenu Nishad, son of Chaitu Nishad, Aged about 13 Years, Natural Guardian is his ather & Resident of Village Patharidih, P.S. Urla, Raipur, Distt. Raipur (Chhattisgarh).
2. Kuleshwar Nishad, son of Bajrang Nishad Aged About 15 Years Natural Guardian is his Father & R/o Village Patharidih, P.S. Urla, Raipur, Distt. Raipur (Chhattisgarh).
3. Krishana @ Ravi Nishad, son of Bedu Ram Nishad Aged About 14 Years Natural Guardian is his Father & R/O Village Patharidih, P.S. Urla, Raipur, Distt. Raipur (Chhattisgarh).
4. Tuleshwar Nishad, son of Daulal Nishad Aged About 17 Years Natural Guardian is his Father & R/O Village Patharidih, P.S. Urla, Raipur, Distt. Raipur (Chhattisgarh).
5. Manoj Nishad, son of Lakhan Lal Nishad Aged About 13 Years Natural Guardian is his Father & R/O Village Patharidih, P.S. Urla, Raipur, Distt. Raipur (Chhattisgarh).

---- Applicants**Versus**

State Of Chhattisgarh Through P.S. Urla, Distt. Raipur (Chhattisgarh).

---- Respondent

For the applicant	:	Mr. Jitendranath Nande, Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27.10.2015**

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 112/2015 registered at P.S. Urla, District Raipur (C.G) (C.G) for the offence punishable under Sections 341, 147, 148, 307 & 302/149 IPC.
2. As per the prosecution case, on 23.05.2015, two unknown persons were apprehended by the applicants for lifting/taking away the children and therefore those unknown persons were attacked by the mob in which, the applicants were also party and subsequently when the mob assaulted

two persons, one of them has died and therefore, the applicants were arrested along-with others and they are in jail since 24.05.2015. He prays for releasing the applicants on bail.

3. Learned counsel for the applicants submits that the applicants are minors and they have no criminal antecedents. He further submits that they are students in between the age group of 13 – 17 years. He relied on a case law reported in *2005 (1) C.G.L.J. 320 – Mohan Vs. state of C.G.*, and submits that looking to the nature of allegations, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application.
5. Having regard to the facts and circumstances of the case and the manner in which the offence has been committed and further looking to the fact that the applicants are admittedly juveniles/students in between the age group of 13-17 years which is not in dispute and considering that they are party to the mob along-with others when the assault was caused on two persons and one of them died and also considering the fact that the applicants are in jail since 24.05.2015, it is a fit case to enlarge the applicants on bail. Consequently, the application is allowed.
6. The applicants are directed to be released on bail on the following terms/conditions:
 - (i) that the father of each of the applicant shall furnish surety worth Rs.25,000/- each to the satisfaction of the concerned Court.
 - (ii) that applicants shall appear before the concerned Court on each and every date given by the said Court.
7. C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE