

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5661 of 2015

1. Vikky Singh, S/o. Shri Lakhan Singh, aged about 17 years, Through : Natural Guardian father, Lakhan Singh, S/o. Late Shyam Sunder Singh, aged about 40 years, R/o. Diprapara, Durg, Tahsil and District Durg (C.G.)

---- Applicant

Versus

1. State Of Chhattisgarh, Through : District Magistrate, Rajnandgaon, District – Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Dr. N.K. Shukla, Sr. Advocate with Mr. P.R. Patankar, Advocate
For Respondent/State	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/10/2015

1. This is the first 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 Section 302, 307/34 of Indian Penal Code.
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 and the rejection is only on the ground that the applicant is not in control of his father since the applicant went away with the motor cycle of his father and committed the offence. 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.
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 presence of the family members this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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