

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 49 of 2016

- Mani Shankar Kaushik @ Bittu Kaushik S/o Late Shri Janak Lal Kaushik Aged About 16 Years Being Minor represented Through The Natural Guardian Mother Smt. Sushila Devi Kaushik, W/o Late Shri Janak Lal Kaushik, Aged 55 Years, Permananet R/o Jinda, P.S. Pipariya, Distt. Kabeerdham Chhattisgarh. Presently R/o Darripara, Kawardha, Distt. Kabeerdham Chhattisgarh. **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Kawardha, Distt. Kabeerdham Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. B.D. Guru, Advocate.
For the Respondent	:	Mr Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.02.2016

1. Apprehending arrest in connection with Crime No. 391 of 2015 registered at Police Station Kawardha, Distt. Kabeerdham (C.G) for the offences punishable under section 395/34 IPC, the applicant has filed this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Arvind Chandravanshi that on 09.11.2015 at about 9 p.m., while he was going on his motorcycle, he was intercepted and assaulted by the applicant and other co-accused and thereafter Rs.2900/- and a mobile were looted from the complainant. Initially the report was made against unknown person and subsequently on investigation it was found that the applicant has

committed the offence.

3. Learned counsel for the applicant submits that the applicant has been inculpated on the memorandum statement of co-accused and the report was delayed by one month. He further submits that the applicant is minor and is a student of Class X. He relied on certain document placed on record and would submit that the applicant has also to appear annual examination commencing from March 2016 and in if the applicant is arrested, his career would be adversely affected, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the prayer for grant of anticipatory bail.
5. The document Annexure D-3 filed alongwith the bail application show that the applicant is minor. The document Annexure D-6 would further show that the applicant is to appear the examination starting from March 2016 which will be conducted by the National Institute of Open Schooling.
6. Considering the totality of the facts and circumstances of the case especially the fact that the applicant is minor and is a student of Class X and in case he is arrested, his educational career would be adversely affected, therefore, I am inclined to extend the benefit of provisions of 438 Cr.P.C., to the applicant.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like

sum to the satisfaction of the officer arresting him or the concerned Investigating Officer. Since the applicant is minor, the bond and surety shall be furnished by his mother the natural guardian. The applicant shall also abide by the following conditions :-

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or any police officer;
- (iii) that he shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE