

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3653 of 2016

1. Khilesh Yadav S/O Santosh Yadav Aged About 17 Years Minor Represented Through Santosh Kumar Yadav, S/O Rahul Yadav, Aged About 37 Years, R/O Sheetla Para, Gobra Nayapara, Ward No. 21, District Raipur, Chhattisgarh.
2. Khilesh Dhruw S/O Late Kedar Dhruw Aged About 16 Years Minor Represented Through Mother Shivkumari Dhruw, Aged About 35 Years, W/O Late Kedar Dhruw, R/O Sheetla Para, Gobra Nayapara, Ward No. 21, District Raipur, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gobra Nayapara, District Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. C.P. Lahrey, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

14.07.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 01-04-2016 in connection with Crime No. 80 of 2016, registered at Police Station Gobra Nayapara, District Raipur (CG) for the offence punishable under Section 436, 34 of the IPC.
2. As per prosecution case, on 24-3-2016, the applicants along with other co-accused persons during Holi festival took away old tyre parts and set fire to the shop of complainant Mohd. Shabbir, thereby the said shop was burnt in the fire.
3. Learned counsel appearing for the applicants would submit that only on the memorandum the applicants have been inculpated in

this case, the applicants are juvenile, they are in jail since 1-4-2016 and no further investigation is necessary, therefore, they may be enlarged on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the totality of the circumstances, nature of allegation leveled against the applicants and considering the fact that the charge-sheet has been filed, the applicants are juvenile and are in custody since 1-4-2016, I am inclined to release the applicants on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the applicants shall be released on bail subject to furnishing of surety in the sum of Rs.25,000/- (each) of the parent/guardian of the applicants in the like sum to the satisfaction of the Juvenile Justice Board, for their appearance as and when directed by the said Board.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju