

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 693 of 2016

Krishn Netam, S/o Late Shri Shatruhan Netam, aged about 17 years, Crime No. 07/2016, R/o Ward No. 06 Village and Chauki Lavan Police Station Kasdol, District Baloda Bazar-Bhatapara (C.G.) Pin 492112 Through : Natural Guardian Mother Smt. Laxmin Netam W/o Shatruhan Netam Aged 40 Years.

---- Applicant

Versus

- State of Chhattisgarh, Through District Magistrate Baloda Bazar, District Baloda Bazar-Bhatapara (C.G.)

---- Respondent

For Applicants : Shri Vijay K. Deshmukh, Advocate
For State : Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy
Order On Board By

29/07/2016

1. The present Revision has been preferred challenging the order dated 13/07/2016 passed by the Second Additional Sessions judge Baloda Bazar, in Criminal Appeal No. 58/2016 whereby the appeal under Section- 101 of Juvenile Justice (Care and Protection of the Children) Act, 2000 for grant of bail to the Applicant has been rejected, affirming the order of Juvenile Justice Board, Baloda Bazar dated 22/06/2016.
2. Learned Counsel for the Applicant submits that the Applicant before this Court has been arrested in connection with Crime No. 07/16 registered in Police Station Kasdol under Sections 147, 148, 149, 452, 186, 307, 477, 332, 336, 436 and 353 of I.P.C. and Sections 3 & 4 of Lok Sampatti Nivaran Adhiniyam. The Applicant is in jail since 02/01/2016. He prays that the present Applicant may be released on bail taking into consideration firstly

the Applicant is a juvenile, secondly there is no direct allegation against him and thirdly the incident occurred because of a road accident that took place and thereafter the mob attacked the Police Station injuring a police personnel who was present in the Police Station, on account of which the case has been registered. He further submits that it is first offence that has been registered against the Applicant, he does not have any other criminal antecedents, therefore looking to the nature of allegation and considering the facts and circumstances of the case, the Applicant may be released on bail.

3. Learned State Counsel however opposes grant of bail to the Applicant considering the nature of the allegation levelled against the Applicant and some other persons.
4. Taking into consideration the total facts and circumstances of the case particularly taking note of the manner in which the incident occurred and also the fact that it was admittedly a mob attack, this Court is of the opinion that the present is a fit case to be allowed and the Applicant be released on bail.
5. Accordingly, both the orders passed by the Court below are set aside.
6. The Applicant shall be released on bail during the pendency of the Criminal Case on his or one of his guardian furnishing personal bond for the sum of Rs. 25000/- with two sureties in like sum to the satisfaction of the concerned Trial Court. The Applicant is directed to appear before the Court on each and every date given to him till the disposal of the case.
7. With the aforesaid observations the Revision Application stands allowed.

Sd/-

(P. Sam Koshy)
Judge

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