

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4614 of 2016

- Neki Chand Kurre S/O Late Shri Ganeshu Ram Kurre Aged About 17 Years R/O Vill. Paloud P.S. Mandir Hasoud, Raipur, Through His Uncle (Mama) Shri Jitendra Soni, Aged 34 Years, S/O Budharu Soni, Vill. Palaoud, Distt. Raipur Chhattisgarh.

----Applicant

Versus

- State Of Chhattisgarh Through P.S. Mana, Distt. Raipur Chhattisgarh.

---- Respondent

For Applicant : Ms. Pritha Goshal, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-09-2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who is in custody from 8-4-2016 in connection with Crime No. 66 of 2015, registered at Police Station Mana District Raipur, (CG) for the offence punishable under Sections 364-A, 384, 395, 397 of IPC and Section 25 & 27 of the Arms Act.
2. As per prosecution case, on 7-4-2016 the complainant along with his two friends had gone to see the Air-port and while they were coming back at about 8.00 pm they were intercepted near culvert at Mandir Hasoud, the applicant along with other co-accused persons came there and forcibly took the car to Bhelwadi forest and on pointing the knife, they looted Rs.7,800/-, ATM card, Mobile from the complainant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that all the victims have been examined in this case, but they have not supported the prosecution case. It is further submitted that the applicant has been falsely

implicated in the case, he is a minor and is in jail since 8-4-2016, charge-sheet in this case has been filed and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, the State counsel opposes the bail application, however, he does not dispute the fact that the victims have been examined in this case and they have not supported the prosecution case.
5. I have heard learned counsel for the parties and have also perused the case diary and the document.
6. Perused the statements of the witnesses namely PW/2 Satish Das, PW/3 Smt. Ram Joddarand PW/6 Adindra Shekhar Viswas which would show that the witnesses have not supported the prosecution case.
7. Taking into consideration the facts and circumstances of the case, further considering the statements of the witnesses and also the fact that the applicant is a juvenile and is in custody from 8-4-2016, I am inclined to release the applicant on bail.
8. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his father's furnishing a surety in the sum of Rs.25,000/- to the satisfaction of the Juvenile Justice Board, Raipur for his appearance before the said Board as and when directed by the said Board till the disposal of the case.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju