

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1537 of 2017

1. Rahul Agrawal S/o Shri Rajendra Kumar Agrawal, Aged About 19 Years, R/o Nature City, Uslapur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Police Station Hirri, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Mr. Malay Kumar Bhaduri and Ms. Sareena Khan, Advocates.
For Non-applicant/State – Mr. Neeraj Sharma, Deputy Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-04-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.179/2016 on 13-11-2016 by Hirri police, District Bilaspur, C.G. for the offence under Section 379, 411, 420, 467, 468, 471, 120B, 201 of the IPC. After investigation police had filed the charge sheet against four accused. The matter is pending before the JMFC Bilha as Criminal Case No.943/2016. The applicant is minor. His name was not in the FIR. During investigation he was arrested in connection with the offence. He had not done anything. He may be granted bail during trial. Learned counsel would further submit that the juvenility of the applicant at the time of the incident is raised before the trial court and the same is pending.
3. Per contra, learned counsel for the non-applicant/State would submit that the applicant is the main accused. In the memorandum statement recorded of the applicant, they have taken 460 bags of cement from Ambuja Cement Factory along with other accused and thereafter sold it to other accused and as the age of the applicant is not determined and the same is

pending, the question of juvenility may not be considered at the moment. Hence, the instant MCRC may be dismissed.

4. As submitted, determination on the question of juvenility is under consideration before the court below, with this, for the purposes of the instant MCRC the ground for the juvenility may not be taken as consideration as prima facie the applicant is shown major not juvenile in the charge sheet. Even apart the present applicant is the main accused. After consideration of the memorandum statement given by the present accused and seizure along with the other facts, I am not inclined to grant bail to the present applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE