

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 267 of 2017

1. Shivdayal Tripathi, S/o. Jainarayan Tripathi, Aged About 16 Years, Through : Her Natural Guardian Father Jainarayan Tripathi, S/o. Lalaram Tripathi, R/o. Rampuruwa, Police Station -Srirampur, District -Chitrakut, Uttar Pradesh. At Present R/o. Vyapar Vihar Bilaspur, Chhattisgarh.

----Petitioner

Versus

1. State Of Chhattisgarh, Through: Station House Officer, Police Station- Amlipadar, District- Gariyaband, Chhattisgarh.

---- Respondent

For Petitioner : Mr. P.P. Sahu, Advocate

For State/Respondent : Mr. O.P. Sahu, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/03/2017

1. Challenge in this petition is to the order dated 16.02.2017, passed by Additional Sessions Judge, Gariyaband, District – Gariyaband, in Criminal Appeal No.3/2017, whereby the appeal preferred by the juvenile against the order of Magistrate, Juvenile Justice Board, Gariyaband, District - Gariyaband dated 11.01.2017, in Criminal Case No.05/2017, has been dismissed, wherein the applicant has been denied bail.
2. As per the case of the prosecution, on 04.12.2016 on information received that some persons were transporting cannabis, the

applicant was apprehended at Dhurwagudi Bus Stand with a bag and on search being made from the applicant 4.900 kg of Cannabis were recovered.

3. Learned counsel for the applicant would submit that the applicant is a juvenile and the assessment report is also called which also do not object to the release of the applicant. It is further submitted that the seizure was not made in person from the applicant, therefore, the revision be allowed and the applicant may be released on bail.
4. State counsel opposes the petition.
5. This Court by its order dated 08.03.2017 called for the social investigation report and assessment report, if prepared under Section 15 of the Juvenile Justice (Care and Protection of Children) At, 2015 for perusal.
6. The case diary would show that report has been prepared, which shows that in the other company, the applicant has committed the offence, he was a student and also went to perform Pooja at Mathura. The report shows that the brother of the applicant, who was working in the bar has also been given advice to control the applicant and also put him under vigil. The report also speaks that family members of the applicant also want to take back the applicant.
7. Taking into consideration the report, no objection has been raised for release of the applicant and further taking into the totality of the of the case, I am inclined to release the applicant on bail.

8. Consequently, the order dated 16.02.2017 and 11.01.2017 passed by the Sessions Judge as also the Juvenile Justice Board are set-aside. It is directed that applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Balram