

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 391 of 2017

1. Gajendra Sahu, S/o. Shri Prabhuram Sahu, Aged About 17 Years, Minor represented through Father Prabhuram, S/o. Ramhu Sahu, Aged About 34 Years, R/o. Village Nawagaon, (Medha), Police Station & Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.
2. Komal Kanwar, S/o. Prabhuram Chandravanshi, Aged About 16 Years, Minor represented through Father Prabhuram, S/o. Parasram, Aged About 40 Years, R/o. Village Meregaon, Police Station & Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through District Magistrate Rajnandgaon,
District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants : Mr. Ajay Thakre, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

05.05.2017

Heard

1. This revision is against the order dated 06.03.2017 whereby the appeal preferred by the applicants was dismissed by the learned Sessions Judge, Rajnandgaon (C.G.). By such dismissal order, the application for bail which was dismissed by the Juvenile Justice Board on 22.02.2017 was affirmed.
2. As per the prosecution case, a report was made on 07.01.2017 that at village Murmunda during Madai festival, one Mamta Chandrakar was performing cultural program which was being objected by few of the unsocial elements. The police reached

there and the boys who went to the stage were tried to be taken down at that moment the police party were attacked and when the other police party came there, all the villagers were attacked them and the government vehicles were set on fire. Thereby, the offence was registered.

3. Learned counsel for the applicants would submit that the applicants were only watching the cultural program, they have not done any overt act, the applicants are minor and they are in captivity since 12.01.2017 & 13.01.2017. He further submits that the confinement of the applicants may lead psychological loss, therefore, they may be enlarged on bail.
4. Learned State counsel was directed to call for the social investigation report of the applicants right from 13.04.2017 and thereafter two dates have passed. The social investigation report of Gajendra Sahu is placed on record, however, in respect of Komal Kanwar, the social investigation report has not been placed.
5. Perusal of the social investigation report of Gajendra Sahu do not disclose that release of the applicant will bring him in association with the known criminal or exposed him to moral and psychological danger and the release may defeat the ends of justice. However, in respect of Komal Kanwar, despite repeated chance given, no social investigation report is placed on record.
6. In view of this, taking into the background of the case and the fact that the applicants are minor and release of the applicants may not defeat the ends of justice, I am inclined to extend the benefit of bail to the present applicants and accordingly both the orders

passed by the learned Courts below i.e. order dated 22.02.2017 and order dated 06.03.2017 are set aside.

7. In the result, the revision is allowed and it is directed that the applicants shall be released on bail on furnishing a surety of Rs.25,000/- each by their fathers to the satisfaction of the concerned Juvenile Justice Board for their appearance as and when directed.

Certified copy today.

Sd/-
(Goutam Bhaduri)
Judge