

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 399 of 2017

1. Toran Verma (Chandrakar), aged about 17 years, S/o. Shri Juthel Chandraker, through : his legal guardian his father Juthel Chandraker, aged about 55 years, S/o. Shri Bhanjan Verma, R/o. Near Ram Temple, Rameshwar Nagar, Bhanpuri, P.S. - Khamtarie, District (Revenue & Civil) – Raipur (C.G.).
2. Sawan Nishad, age about 17 years, S/o. Shri Shyamlal Nishad, Through : his Legal Guardian his father Shyamlal Nishad, age about 50 years, S/o. Shri Roopu Lal Nishad, R/o. Bandhava Talab, Bhanpuri, P.S. - Khamtarie, District – (Revenue & Civil) – Raipur (C.G.)

----Applicants.

Versus

1. State Of Chhattisgarh, Through: District – Magistrate, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For Applicants : Mr. Rakesh Thakur, Advocate

For State/Respondent : Mr. Anil S. Pandey, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/05/2017

1. Challenge in this petition is to the order dated 03.04.2017, passed by learned 7th Additional Sessions Judge, Raipur, District – Raipur, in Criminal Appeal No.90/2017, whereby the appeal preferred by the applicants/juvenile against the order of Magistrate, Juvenile Justice Board, Raipur, District – Raipur dated 01.03.2017, in Criminal Case No.92/2017, has been dismissed, whereby the applicants have

been denied bail.

2. As per the case of the prosecution, on 15.02.2017, the complainant Narendra Kumar Paraste after reliving his duty going back to his house, when he reached near Suraj Dharmakanta, the applicants came in a motor cycle and stopped his way, thereafter, caught hold of the complainant and on the point of knife looted purse, mobile, SBI ATM card and Rs.300/- and fled away. The motor cycle number C.G.-04-KR 3504 was noted by the complainant. Thereafter, during the investigation, the applicants were arrested and having found them juvenile, they were sent to child observation home.
3. Learned counsel for the applicant would submit that the present applicants are juvenile and they are in jail since 16.02.2017 and there is no likelihood that after their release is likely to bring them into association with any known criminal or expose them to moral physical or psychological danger, therefore, the counsel prays that the applicants may be released on bail.
4. State counsel was directed to call for the social investigation report of both the applicants on 17.04.2017. As appears social investigation report of one of the applicant- Toran Verma has been placed on record. With respect to the other applicant- Sawan Nishad no report has been placed on record.
5. Perusal of the report of minor shows that there is no likelihood that he will come into contact of other person i.e. known criminal and there is need to get him back into mainstream and training is to be imparted. Taking into such report and the fact that despite the order in respect of the applicant No.2 – Sawan Nishad, the social

investigation report has not been placed on record and the fact that the applicants are in jail since 26.02.2017 and further taking into the totality of the of the case, I am inclined to release the applicants on bail.

6. Consequently, the order dated 03.04.2017 and 01.03.2017 passed by the Sessions Judge as also the Juvenile Justice Board are set-aside. It is directed that applicants shall be released on bail on furnishing a surety of Rs.25,000/- each which is to be of their father to the satisfaction of the concerned Juvenile Justice Board, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge