

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 430 of 2017

Sanju Painkra S/o Birsai Painkra, Aged About 17 Years Through
The Natural Guardian Father Namely Birsai Painkra, S/o Late Peda
Painkra, Aged About 48 Years R/o Village Jamhor, Police Station
Shankargarh, District Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Balrampur,
District Balrampur Ramanujganj Chhattisgarh

---- Respondent

For applicant - Shri V.K. Pandey, Advocate.
For Respondent/State –Smt. M. Asha, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

16/05/2017

1. This revision is against the order dated 30/03/2017 passed by the Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj in Criminal Appeal R-15/2017 whereby the order passed by the Juvenile Justice Board on 22/02/2017 in Crime No.36/2016 was affirmed. By such order prayer for bail moved by the applicant was rejected.
2. Case of the prosecution, in brief is that on 28/05/2016 in a marriage party wherein applicant went and deceased Ravishankar was also there, they had some scuffle while dancing in the marriage party. Subsequently, the deceased was assaulted by the applicant by way of a wooden plank. Subsequently, he died on 5/06/2016 because of the injury.
3. Learned counsel for the applicant would submit that the incident happened at the spur of movement for trivial issue between the boys while dancing in the party and there was no intention. He submits that social investigation report would lean in favour of the applicant. He further submits that the applicant is in captivity from 8/07/2016, therefore he may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Perused the case diary and the documents. Case diary would show that the incident happened over a trivial issue in a marriage party where the applicant and the deceased entered into scuffle with each other over performing dance in the party. Subsequently, the deceased was assaulted by way of a wooden plank. Social investigation report is perused which shows that this is the first offence of the applicant and over trial issue the incident happened. Report suggest that behaviour of the applicant is normal and he is not an indisciplined boy. Report suggest that the incident happened at the spur of movement and without any intention. Taking into fact he may given one chance to join main stream of the society. Social investigation report do not suggest that release of the applicant will expose him to any contact with the criminal and it may have adverse affect on moral, psychological and physical danger or will defeat the ends of justice if released. Consequently, taking into social investigation report and the fact that the applicant is in jail since 8/07/2016, I am inclined to allow this revision and release the applicant on bail.

6. Consequently, revision is allowed and order dated 30/03/2017 is set aside. It is directed that the 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 Juvenile Justice Board, for his appearance as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE