

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 586 of 2017

- Avinash Gendre S/o Late Shri Raj Kumar Gendre, Aged About 17 Years (Wrongly Mentioned As Gredre) R/o Ward No. 13, Village Pirda, Police Station Vidhan Sabha, Raipur, District Raipur, Chhattisgarh. Minor Through Natural Guardian Mother Smt. Kanti Bai Gendre W/o Late Rajkumar Gendre Aged About 38 Years, R/o Ward No. 13, Village Pirda, Police Station Vidhansabha, Raipur, District Raipur, Chhattisgarh.

--- Appellant

Versus

- State of Chhattisgarh through Police Station Vidhan Sabha Raipur, District Raipur, Chhattisgarh. --- Respondent

For the applicant	:	Mr. C.R. Sahu, Advocate
For the Respondent	:	Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2017

1. This revision is against the order dated 31.05.2017 passed by the learned VII Addl. Sessions Judge, Raipur whereby the appeal preferred by the applicant against the order of rejection of bail of the juvenile Justice Board dated 10.05.2017 in Criminal case No.156/2017 arising out of Crime No.79 of 2017 was dismissed.
2. As per the prosecution case, on 08.04.2017 certain information was received that one Jitendra Kurre has kept the liquor under the ground for sale and thereafter on a raid being conducted 285.190 bulk litres of liquor was seized and during investigation it was revealed that the present applicant who is a minor along-with other accused Chandrasekhar Kurre and one Avinash had kept the liquor for sale by hiding it under the ground.

3. Learned counsel for the applicant would submit that the seizure was not made in person from the present applicant and he has been falsely implicated. He further submits that the applicant is in custody since 24.4.2017 and the Social Investigation Report is also filed which also recommends for releasing the applicant, wherein it is stated that the applicant is mentally sound and there is no risk of the applicant being put to mental disorder. He further submits that in the report it is also stated that after the death of his father, he used to look after his family by carrying on business of sale of chicken and the report of social investigation further suggests that considering the living of modern days, the applicant wanted to lead lavish life style, therefore, the offence has been committed and if he is released on bail, his release will not bring him into association with any known criminal or expose him to moral, physical or psychological danger, therefore, in view of such report, the applicant may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the impugned orders as also the social investigation report. The order of the bail of co-accused Chandrasekhar would suggest that one of the co-accused has been enlarged on bail. The social investigation report suggests that the applicant is minor and after death of his father he was taking care of his family and he has no other bad habits and wanted to lead lavish life style, therefore, he was mentally influenced to earn more. The social investigation report also suggests that in pursuit of lavish and luxury life style and in order to procure a costly mobile the offence has been committed and if the applicant is released there is no likelihood to bring him

into association with any known criminal or expose him to moral, physical or psychological danger.

6. Having thus regard to the social investigation report and the facts situation of the case I do not find that the release of the juvenile applicant would defeat the ends of justice. Therefore, I am inclined to set him at liberty.
7. Consequently, the revision is allowed and the orders of the courts below is set aside. The applicant shall be released on bail on furnishing a surety in sum of Rs.25,000/- by the father/guardian on behalf of the Applicant.

Sd/-

**GOUTAM BHADURI
JUDGE**