

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 648 of 2017

Tejeshwar @ Teja S/o Puran Lal Sahu Aged About 17 Years
(Juvenile) Through Father Puran Lal Sahu, Aged About 39 Years,
S/o Phool Chand Sahu, R/o Govind Haller Mill, Sarora, P.S. Urla,
Distt. Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge, Police Station Urla,
District Raipur Chhattisgarh.

---- Respondent

For applicant – Shri J.K. Gupta, Advocate.
For State- Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

22/08/2017

Heard.

1. This petition is against the order dated 2/06/2017 passed by the Additional Sessions Judge, Raipur in Criminal Appeal No.142/2017 whereby order passed by the Juvenile Justice Board on 8/05/2017 in Criminal Case No.91/2017 State Vs. Kokil Kanth & Ors. have been affirmed. By such order prayer for grant of bail to the applicant was dismissed.

2. As per the case of the prosecution, the applicant alongwith other co-accused has abducted 12 years boy and thereafter committed unnatural sex and inorder to suppress the fact, he may not disclose anything he was tied and thrown into the abandoned house. Subsequently, on the next day they took him to another place and committed murder. Thereby, offence under Section 363, 365, 377, 302, 201 read with 34 of IPC and under Section 4 and 6 of POCSO Act, 2012 was registered.

3. Learned counsel for the applicant would submit that social investigation report would suggest that applicant may be enlarged on bail. He submits that order of both the court below may be set aside.

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

5. Perused the case diary as also the memorandum. It appears that the applicant was aged about 17 years, thereby at the time of further evidence it may be assessed that whether offence falls under the category of heinous offence committed by him. Social investigation report is silent about the fact that if he is released it may not expose him to moral, psychological and physical danger or would defeat ends of justice. The memorandum of accused were also seen alongwith statement. Considering the way offence was committed and the age of the accused/applicant who is said to be 17 years, brutally the offence has been committed it shows pre meeting of the mind and there is no likelihood that on release of the applicant he may not come in contact with the known criminal. Considering the facts of this case, it appears that release of the applicant will defeat ends of justice. Considering the same, I am not inclined to interfere in the order of the court below.

6. Accordingly, the revision is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE