

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRR No. 709 of 2017**

- Narayan @ Bholu Mallah S/o Yogesh Mallah, Aged About 17 Years R/o Village Panchbhaiya, Police Station Dadhi, District Bemetara, Chhattisgarh. Minor Represented Through Brother & Legal Guardian Yogesh Mallah, Aged About 30 Year S/o Goverdhan Mallah, R/o Village Panchbhaiya, Police Station Dadhi, District Bemetara, Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through The Incharge Police Station Dadhi, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vipin Singh, Advocate
For Respondent-State	:	Shri Anupam Dubey, Dy. GA for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****18/09/2017**

1. Heard.
2. This revision is against the order dated 28.04.2017, passed by the Additional Sessions Judge, Bemetara in Criminal Appeal No.34/2017, whereby the application of bail, which was dismissed by the Juvenile Justice Board on 23.02.2017, was affirmed.
3. As per the case of the prosecution on 13.12.2016, deceased Santosh Sahu had gone to the house of the applicant and he tried to outrage the modesty of his mother and sister, which was objected by the brother of the applicant and the applicant and thereafter they entered into a scuffle and the deceased Santosh was beaten by way of club on his head and other part of

the body, eventually he died. In order to make disappearance of the evidence, his body was thrown into a cannal. Subsequently, after investigation it was revealed that the applicant has committed the offence.

4. Learned counsel for the applicant submits that the applicant is a juvenile and there is no evidence against the present applicant, therefore, the applicant may be enlarged on bail.
5. Learned State counsel has produced the Social Investigation Report of the applicant. In the Social Investigation Report it is reported that the deceased was a drunk and was a characterless person. The report on contrary shows that the behaviour of the applicant along with the other friends was normal. It further shows that under the circumstances the offence has been committed and there was no intention to commit such offence. The report further shows that since the deceased was drunk and tried to outrage the modesty of her mother and sister, therefore, the deceased was assaulted by the applicant and his brother and for such inflicted injury he died. The report shows that the family atmosphere to be positive and no criminal antecedents have been reported. It further shows that presently the applicant has been lodged in a place of safety and it affects his mental status and therefore, he needs proper care and to be looked after. Case-diary also seen wherein it is mentioned that the deceased was drunk and tried to outrage the modesty of the sister and mother of the applicant, thus, because of circumstances the incident happened.
6. Considering the entirety of the case and the Social Investigation Report, which do not suggest that on release of the applicant there is likelihood to bring the applicant in association with any known criminal or will expose him to moral, psychological and physical danger and if released would not

defeat the ends of justice, I am inclined to allow this revision and release the applicant on bail.

7. Consequently, the revision is allowed and order dated 28.04.2017 is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25000, which is to be of his mother to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Sd/-

Goutam Bhaduri

Judge

Ashu