

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 707 of 2017

Rahul Yadav, S/o. Bhaoran Yadav, Aged About 17 ½ Years, Minor Through Brother Akash Yadav, S/o. Bahoran Yadav, Aged About 21 Year, R/o. Moharpara, Near Railway Crossing, Manendragarh, Police Station Manendragarh, District Koriya, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Incharge, Police Station Manendragarh, District Koriya, Chhattisgarh

---- Respondent

For Applicant : Mr. K.K.Singh, Advocate.

For State : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09.08.2017

Heard

1. This petition is against the order dated 28.06.2017 passed by the Additional Sessions Judge (F.T.C.) Baikunthpur, District Koriya (C.G.) in Criminal Appeal No.35/2017. By such order, the appeal has been dismissed, which was preferred against the bail rejection order dated 22.06.2017 passed by the Juvenile Justice Board, Baikunthpur.
2. As per the prosecution case, the applicant along-with others was found to be in possession of 328 liters & 320 milliliters of liquor and consequently, he was taken into custody. The bail application filed by the juvenile was dismissed by the Juvenile Justice Board on 22.06.2017, which was further affirmed in appeal.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case, the applicant is juvenile and there is no previous antecedents are attached to the applicant and he was in captivity since 06.06.2017, therefore, he may be enlarged on bail.
4. Learned State counsel submits that he has filed the social investigation report.
5. Perused the social investigation report. The social investigation report shows that father of the applicant has died, the applicant left his studies after 9th class. As per the mother & brother, the applicant stays in the house and follow the instructions of the elders and the teachers of the school wherein the applicant was studying have also stated that his behaviour was normal. The social investigation report suggests that the applicant was arrested alongwith other boys and he has shown repentance but because of the company, he was involved in the incident. The report also suggests that if the applicant is released on bail, there is no chance to come in contact with the known criminal and the grant of bail would advance the cause of justice and the applicant will reunited with the family and can be kept under vigil of the mother and brother.
6. Considering the social investigation report, which suggests that release is not likely to bring him into association with any known criminal or expose him to moral, physical and psychological danger and release will not defeat the ends of justice and further considering the facts of the case, I am inclined to release the present applicant on bail. Consequently, both the orders passed

by the learned Courts below i.e. order dated 22.06.2017 & 28.06.2017 are set aside.

7. In the result, the revision is allowed and it is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- by his mother 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