

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 737 of 2017

Devendra Kumar Yadav @ Sonu, S/o. Lalit Yadav, Aged About 17 Years,
R/o. Durga Chowk Tanki Maroda, Police Station- Newai Bhilai, District
Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through the District Magistrate, District Durg,
Chhattisgarh.

---- Respondent

For Applicant : Mr. A.K.Yadav, Advocate

For Respondent : Mr. S.R.J.Jaiswal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2017

Heard

1. The instant revision is against the order dated 22.06.2017 passed in Criminal Appeal No.95/2017 by the learned Fifth Additional Sessions Judge/ F.T.C./ Juvenile Court, Durg (C.G.). By such order, the rejection of bail by the Juvenile Justice Board dated 02.06.2017 of the juvenile was affirmed.
2. According to the case of the prosecution, one dead body of Smt. Ganga Bai was found near a wall at a place known as Sitla Mandir. Subsequently, during investigation, it was found that the present applicant who is minor has committed murder, which revealed on his memorandum and the shirt, pant & brick, which was used to kill the lady was recovered.
3. Learned counsel for the applicant would submit that there is no evidence in this case to show that the applicant has committed murder. It is only on the basis of memorandum, the applicant has been inculpated. He further submits that the statement would show that there has been previous enmity was existing, therefore, the applicant has been falsely implicated.
4. Learned State counsel was directed to call for the social investigation report.

5. The social investigation report was perused, wherein, it shows that the behaviour of the boy is normal and he was not involved in other crime prior to this. The social investigation reports suggests that he maintain friendly behaviour with the other boys of his age and he contributes maintenance of the family as his father is mentally retarded. The social investigation report suggests that the applicant may be allowed to return home with the parents as the parents' company is more required. The case diary also seen. It shows that only on the basis of the memorandum, the applicant has been arrested and the shirt, pant & brick which was seized according to FSL it do not contain any blood stain.
6. Considering the social investigation report, which suggests that release of the boy 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, I am inclined to release the present applicant on bail. Consequently, both the order passed by the learned Courts below i.e. order dated 02.06.2017 & 22.06.2017 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