

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5136 of 2017**

- Akash Pasi S/o Mukesh Pasi, Aged About 17 Years R/o Lalkhadan Bilaspur, Police Station Torwa Tahsil And District Bilaspur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Torwa, District Bilaspur (Chhattisgarh).

---- Respondent

For Applicant : Shri Praveen Kumar Tulsyan, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.8.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.26/2017 registered in Police Station Torwa, Distt. Bilaspur for the offence punishable under Section 294, 506, 323, 147, 148, 307, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.3.2017. After investigation, police has filed charge sheet against present applicant and another juvenile Vikas which is pending before Juvenile Justice Board, Bilaspur as Criminal Case No.80/17. The juvenile Vikas has already been granted bail by Juvenile Justice Board, Bilaspur and also the

Police has filed charge sheet against other three co-accused persons which is pending before 7th Additional Sessions Judge, Bilaspur as Session Trial No.49/17. Co-accused Mukesh and Rajesh have also been granted bail by this Court in MCRC No.3477/17 dated 19.6.2017 and applicant Rambabu Chouhan has been granted bail in MCRC No.,4742/17 dated 18.8.2017 by this court, case of the present applicant/juvenile is similar to juvenile Vikas and also to other co-accused persons. The applicant is in custody since long, he will not commit any offence in future. As per the allegation, victim Shivam @ Amitesh Shukla was assaulted by accused persons including both the juveniles by club, rod, and other instruments. The injured was admitted in the hospital from 23.01.2017 to 26.01.2017. After his discharge no further complication has been noticed and as per MLC report, the accused/juvenile assaulted the injured over the left side of the face. There is no report regarding the nature of injury whether it was fatal for life or not. The present applicant is languishing in observation home since four months and twenty days. As per the allegation, on account of earlier enmity there was a dispute between two groups and the victim reached to the spot to intervene in the dispute and he was assaulted by the accused persons. He will not commit any offence in future, as the trial may take some time for its conclusion, he may be granted bail

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant but fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is languishing in the observation home for four months and twenty days, charge sheet has been filed, another juvenile co-accused has already been granted bail by Juvenile Justice Board, Bilaspur, as stated case of the present applicant is similar to another juvenile and also similar to other co-accused persons. Also as the injured remained in the hospital as indoor patient for four days only, there is nothing to demonstrate with the fatality of the injuries noticed on the body of the injured and also there is no report submitted on behalf of the respondent/State by the probationary officer or any other competent authority against the release of the applicant. After consideration of the entire facts instant bail application is hereby allowed.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that if the parents of the applicant furnishes a personal bond of Rs.50,000/- on behalf of the applicant with two separate solvent sureties of Rs. 25,000/- to the satisfaction of the Juvenile Justice Board, Bilaspur, the applicant be released by the concerned trial Court/Juvenile Justice Board for his appearance before the said Board as and when directed.

10. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant

suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation..

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE