

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRR No. 855 of 2017**

Suman Kumar Mandal D/o Shri Lakhi Mandal, Aged About 16 Years  
4 Month, R/o Village Ghormara Bazar, P. S. Mohanpur, Distt.  
Devdhar ( Jharkhand ) Through His Natural Guardian Father Lakhi  
Mandal, S/o Rameshwar Mandal, Aged About 43 Years R/o Village  
Ghormara Bazar, P. S. Mohanpur, Distt. Devdhar ( Jharkhand )

**---- Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer Police Station  
Civil Lines, Raipur District Raipur Chhattisgarh.

**---- Respondent**

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For applicant - Smt. Indira Tripathi, Advocate.  
For Respondent/State –Shri Suryakant Mishra, PL.

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**Hon'ble Shri Justice Goutam Bhaduri****Order****9/10/2017**

1. This revision is against the order dated 26/08/2017 passed by the 7<sup>th</sup> Additional Sessions Judge, Raipur, Distt. Raipur in Criminal Appeal No. 210/2017 whereby the application filed by the applicant for bail was dismissed by the Juvenile Justice Board on 31/07/2017 was affirmed.
2. Brief facts of this case are that, on 10/04/2017 complainant Mohd. Mubshir received phone call on his mobile No.9039658714. Said call was made from another mobile No. 9631443642. Caller identified himself to be the bank officer and from the holder the ATM number and the Adhar Card number was asked for on the ground that it has been blocked. Subsequently, the victim received message that from his account Rs.5000/- and thereafter Rs.9990/- was withdrawn for which report was lodged. During investigation the other co-accused Gaurav Kumar and two other accused Dhiraj Mandal and Sourabh Kumar Shah were found to be guilty and the applicant was arrested. Two of the co-accused Dhiraj

Mandal and Sourabh Kumar Shah are absconding.

3. Learned counsel for the applicant would submit that the applicant was not involved directly in the crime, his mobile was asked by one Gaurav Kumar and when mobile was handed over, other co-accused has made call by such mobile. It is submitted that the applicant is in jail since 26/04/2017, he is juvenile, therefore he may be extended benefit of bail.

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

5. Perused the case diary, memorandum as also the social investigation report. Social investigation report suggest that applicant is student of class-10<sup>th</sup> and his behaviour is normal with the neighbours and the friends. In social investigation report it is stated that as per applicant mobile was asked by his friend and after 10 days it was returned to him and during such course, offence was committed. Social investigation report also suggest that on release of applicant he will not come in contact with any known criminal or it will expose him to moral, psychological and physical danger and if released would not defeat the ends of justice. Report also suggest that applicant is repentive and want to complete his studies. Considering such social investigation report, I am inclined to allow this revision and release the applicant on bail.

6. Consequently, revision is allowed and order dated 26/08/2017 passed by the 7<sup>th</sup> Additional Sessions Judge, Raipur, Distt. Raipur in Criminal Appeal No. 210/2017 is set aside. It is directed that the applicant shall be released on bail on furnishing a surety of Rs.25,000/- which is to be of his father to the satisfaction of the concerned Juvenile Justice Board, for his appearance as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE

