

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 863 of 2017

Kumari Yogeshwari Patel (Juvenile), D/o. Alakhram Patel, Aged About 16 Years (wrongly mentioned the age of the applicant as 17 years in the rejection order of the appellate Court), Through her Legal / Natural Guardian Father Alakhram Patel, S/o. Bahur Ram Patel, Aged About 42 Years, R/o. Village Jijamgaon, Police Station / Police Chowki Birejhar, Post Office, Police Station & Tahsil Kurud, District Dhamtari, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.10.2017

Heard

1. The instant revision is against the order dated 04.08.2017 passed by the Court of Additional Sessions Judge (F.T.C.) Dhamtari in Criminal Appeal No.54/2017. By such order, the rejection of bail dated 05.07.2017 by the Juvenile Justice Board was affirmed.
2. As per the prosecution case, the applicant who was a minor was in relation with one person in the village and out of the physical relation, a child was born, she being a minor and not married, in order to do away with the evidence, the child was killed and was thrown into the Well with the help of her mother. Thereby, the offence has been committed.
3. Learned counsel for the applicant would submit that the mother of the applicant has already been released on bail and the applicant is minor, there is no evidence against her and the social investigation report also suggests that the child which was found in the Well, the DNA test do not support that it was that of the applicant. Therefore, the entire evidence has been demolished.
4. Learned State counsel was directed to call for the social investigation report.

5. Perused the case diary & social investigation report. The social investigation report suggests that the father & mother of the applicant are the Labour. It further records that the applicant/ girl is calm and composed and has not broken any discipline in the school and the behaviour and conduct of the applicant is good. The social investigation report suggests that she is not in contact with any known criminal, she was enticed and came into love relation with a person in the village. The social investigation report also suggests that the DNA report of the dead body of the child, which was found in the Well also do not match with the DNA of applicant and only on the suspicion, the applicant has been arrested and because of fear of the police, such statement was made. The social investigation report do not suggest that the applicant if is released on bail, she will not come in contact with any known criminal and release is not likely to bring him into association with any known criminal or expose her to moral, physical and psychological danger. The social investigation report also suggests that the applicant also give respect to the elders and no criminal antecedents are reported against her and she may be joined in the mainstream of the society. Considering the same, I am inclined to release the applicant on bail. Consequently, both the order passed by the learned Courts below i.e. order dated 05.07.2017 & 04.08.2017 are set aside.
6. 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 her father to the satisfaction of the concerned Juvenile Justice Board for her appearance as and when directed.

Certified copy, today.

Sd/-
(Goutam Bhaduri)
Judge