

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1084 of 2016

Jado Pahadi Korwa, S/o. Saguna Pahadi Korwa, aged about 16 years,
through : Guardian of his father, R/o. Village-Rakaiya, Tinkoniya Para, P.S. -
Shankargarh, District – Balrampur – Ramanujganj (C.G.)

----Applicant.

Versus

State Of Chhattisgarh, Through : Police Station – Shankargarh, District –
Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Vikash Pandey, Advocate

For State/Respondent : Mr. Samir Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/05/2017

1. Challenge in this petition is to the order dated 20.07.2016, passed by learned Additional Sessions Judge, Ramanujganj, District – Balrampur-Ramanujganj, in Criminal Appeal No. R-26/2016, whereby the appeal preferred by the applicant/juvenile against the order of Magistrate, Juvenile Justice Board, Balrampur, District – Balrampur-Ramanujganj dated 29.06.2016, in Criminal Case No.27/2016 (State of C.G. Vs. Pakul @ Lalbahadur & Anr.), has been dismissed, whereby the applicant has been denied bail.
2. As per the case of the prosecution, on 24.03.2016, the daughter of the complainant-Kulharam was being assaulted by her husband

namely Pakul. The name of the daughter was Bhalli and at that time, another son of Kulharam namely Dhana Ram tried to intervene at that time, Pakul, son-in-law of the complainant-Kulharam along with the present applicant assaulted Dhana Ram, whereby he died subsequently. Thereafter, case U/s. 302 of I.P.C. is registered.

3. Learned counsel for the applicant would submit that the both the order of the Courts below are illegal as it does not take into effect of Section 12 of the Juvenile Justice (Care & Protection of Children) Act and the application is dismissed simplicitor. He further submits that social investigation report leans in favour of the present applicant, therefore, in the facts of this case, the applicant may be enlarged on bail.
4. State counsel was directed to call for the social investigation report of the applicant.
5. The social investigation report which is placed on record is perused, which shows that the applicant is emotionally attached to the family and due to poverty could not be imparted education, however, he used to join hands for cultivation for the family. Social investigation report would also shows that for the first time, the applicant has been inculpated in this case and he can be brought back to the mainstream of the society with the counseling.
6. Considering the facts and circumstances of the case and further taking into social investigation report which shows that there is no likelihood that after his release is likely to bring him into association with any known criminal or expose him to moral physical or

psychological danger or it would defeat the ends of justice. Taking into such report and the fact that the applicant is in jail since 27.03.2016 and further taking into the totality of the of the case, I am inclined to release the applicant on bail.

7. Consequently, the order dated 20.07.2016 and 29.06.2016 passed by the Sessions Judge as also the Juvenile Justice Board are set-aside. It is directed that 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge