

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7381 of 2016

Purnendra Sahu, S/o. Chowaram Sahu, aged about 17 years, R/o. Village-Charoud, Police Station and Post Dharsiwa, Tehsil and Post Dharsiwa, Tehsil and District – Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -Dharsiwa, District – Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. P.P. Sahu, Advocate
For Respondent	:	Mr. Sagharsh Pandey, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/01/2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.344/2015, registered at Police Station- Dharsiwa, District – Raipur (C.G.) for the offence punishable under Section 302, 380, 201, 34 of Indian Penal Code.
2. Case of the prosecution in brief is that on 21.10.2015, the applicant in the company of Rajveer Singh and Avinash, consumed liquor, thereafter, on issue of unnatural sex, altercation started in between them and the applicant along with Avinash committed murder of Rajveer Singh in his house and slit his neck. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is in jail since 24.10.2015 and the applicant is only implicated on the basis of memorandum statement of co-accused and the maximum time for which he can be punished is of three years and he has already suffered one

year and two months. Therefore, the counsel prays that the applicant may be enlarged on bail.

4. The State counsel was directed to obtain report under Section 12 of the Juvenile Justice Act.
5. Perused the report dated 20.12.2016. It is stated by the Probation Officer, Juvenile Home that during 14 months of custody, the boy repents and there is no psychological abnormality and the conduct of the applicant has improved and he may be given one chance to correct himself. Considering the report and the nature of period of detention and further taking into the fact that the applicant is juvenile, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond of his mother & father for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge