

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8136 of 2017**

Mohd. Aamir S/o Mohd. Ashraf, Aged About 17 Years R/o Near Himani Kirana Store, Gaji Nagar Birgaon, Police Station Urla, District Raipur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri B.L. Sahu, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.200 of 2017, registered at Police Station – Gudhiyari, Raipur, District - Raipur, Chhattisgarh for the offence punishable under Sections 394 and 397 of the Indian Penal Code and Sections 25 and 27 of the Arms Act.
2. Learned counsel for the applicant submits that the applicant is in jail since 5.8.2017 and he has been falsely implicated in this case. The applicant is a juvenile being below 18 years of age. On the basis of the material available in this case, no case is made out against the applicant.

After completion of investigation, the charge-sheet has been filed. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant has a history of two previous cases being prosecuted against him for similar offence. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. It is alleged against this applicant that he alongwith the co-accused persons, at the point of knife, looted Rs.12,000/- cash, one Samsung mobile and other articles from complainant – Kamlesh Mishra and also assaulted him with the knife causing injury to him. As the applicant is a juvenile, the case against him is going to be tried by Juvenile Justice Board. According to the report received by the State counsel, the date of birth of this applicant is 17.11.2000, hence, looking to the specific provision of the Juvenile Justice Care and Protection Act, 2015 and as there is no specific reason to assign why the applicant should not be granted bail, this Court is inclined to release the applicant on bail.

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

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi