

1.

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1070 of 2020

1. Nandlal Singh S/o Ramanarayan, aged about 48 years, R/o Shankarpur P.S. Raghunathnagar, District : Balrampur, Chhattisgarh
2. Devlal Singh S/o Ramanarayan aged about 50 years R/o Shankarpur P.S. Raghunathnagar, District : Balrampur, Chhattisgarh
3. Ghulendra S/o Nandlal Aged About 16 Years Minor Through A/1. R/o Shankarpur P.S. Raghunathnagar, District : Balrampur, Chhattisgarh

--- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, P.S. Raghunathnagar, District : Balrampur, Chhattisgarh

---- Respondent

For Applicants : Mr. Shakti Raj Sinha, Advocate.

For Respondent/State : Ms. Fouzia Mirza, Additional. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Order on Board

20.11.2020

1. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.55/2020, registered at Police Station: Raghunathnagar, District: Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 294, 506, 323, 307 r/w 34 of IPC.
2. Learned counsel for the Applicants submits that the Applicant No.1, namely, Nandlal Singh is willing to surrender, therefore, learned Court below be directed for early disposal of the case, preferably on the first date of hearing.

2.

3. Considering the above, it is directed that, in case the Applicant No.1 Nandlal Singh surrenders and applies for grant of regular bail before the concerned Court below, the same shall be decided as early as possible, preferably, within three days.
4. Learned counsel for the Applicants also submits that the Applicant No.2 has already been arrested therefore, he doesn't want to press this anticipatory bail application with regard to Applicant No.2.
5. Accordingly, present application is dismissed as not pressed with regard to Applicant No.2.
6. According to the case of prosecution, Devlal along with another person came to the house of the complainant, namely, Pramod Singh Neti and assaulted his father and sister.
7. Learned counsel for the Applicants submits that the incident is alleged to have happened because of some land dispute and there was previous enmity between the parties and out of the previous enmity, the present dispute has arisen. Learned counsel further submits that the Applicant No.3 is aged about 16 years, therefore, he cannot be arrested as he is a Juvenile. His case falls within the provisions of Juvenile Justice (Care and Protection) Act, 2015 (for short 'the Act of 2015').
8. On the other hand, learned counsel for the State submits that according to the record of the prosecution, the Applicant No.3 appears to be of 16 years of age, therefore, proper orders may be passed.
9. I have heard learned Counsel for the parties.
10. The Applicant No.3 is said to be 16 years of age. Police shall obtain necessary information with regard to his age in accordance with provisions of the Act of 2015.

3.

11. It is directed that the Applicant No.3 shall be treated as Juvenile and shall accordingly be dealt with in accordance with the provisions of the Act of 2015. That means, he shall not be arrested by the Police as is done under all other cases. All the allegations of commission of offence is against the Applicant No.2, who is a major.

12. Accordingly, the anticipatory bail application is disposed of.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Saurabh