

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2201 of 2017**

- Sumati Back W/o Shri Maneshwar Back, Aged About 30 Years Cast Urawn, R/o Village Kanmora, Police Station & Tahsil Jashpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jashpur, Civil & Revenue District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Sahu, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18.4.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.58/2017 registered in Police Station Jashpur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 10.3.2017, charge sheet is yet to be filed and is remanded by Chief Judicial Magistrate, Jashpur. As per the allegation, 20 liters of liquor has been seized from the conscious possession of the applicant. The applicant is in jail for

about one month and she will not commit any offence in future, hence she may be released on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that no criminal antecedent is reported against the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about one month, applicant is a women, she is first offender, I am inclined to grant one last opportunity to the applicant so that she may remain in the society without committing any further offence in future.

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 furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of Chief Judicial Magistrate, Jashpur for her appearance before the said Court as and when directed.

9. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally;

(ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE