

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2357 of 2017**

- Kavita Bhaskar W/o Ghurau Bhaskar, Aged About 25 Years R/o Village Ichha, Police Station Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through S.H.O. Of The Police Station Sarangarh, Tahsil Sarangarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate
For Respondent/State	: Shri Ashok Swarnakar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.05.2017**

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.80/2017 registered at Police Station Sarangarh, District Raigarh (CG) for the offence punishable under Section 34 (2) of the CG Excise Act.

3. Case of the prosecution, in brief, is that 7380 bulk liters of country made liquor was seized by the police from the present applicant.

4. Learned counsel for the applicant submits that the applicant is arrested on 01.3.2017. Charge sheet has not been filed and the matter is pending before the CJM, Raigarh. He submits that the applicant is the first offender, therefore, she may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application. Though he fairly conceded that Sarangarh Police had not registered any crime against the present applicant.

6. I have heard the counsel appearing for the parties and perused the material.

7. Without commenting on merits, considering the totality of the facts and circumstances of the case and that the applicant is a lady and she is in jail since 2 months, I am inclined to grant one opportunity to the applicant and allow the bail application.

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

9. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.30,000/- with one surety in likesum to the satisfaction of the CJM, Raigarh for her appearance before the said trial Court as and when directed.

10. 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**