

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3703 of 2017**

Pratap Parida S/o Late Shri Bholanath Parida (wrongly mentioned in the order sheet as Pratap Pareda, son of late Shri Bholanath Pareda), aged About 48 Years R/o Rajiv Nagar, Nakta, Police Station Mandir Hasaud, Civil & Revenue District - Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through : Police Station Mandirhasaud, Civil & Revenue, District Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. Mayank Chandrakar, Adv.
For Respondent/State	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****4/8/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 17-4-2017 in connection with Crime No. 38/2017 registered in PS Mandir Hasaud (Raipur) for offence punishable under Section 285 of the IPC and Section 3,7 of the Essential Commodities Act, 1955.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the matter is pending before the JMFC, Raipur as Cri. Case No. 3316/2017. He is the first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. It is submitted that as per allegation, from the conscious possession of the applicant, 2000 litre of diesel, 150 litre of petrol and 150 litre of kerosene were seized. Co-accused Ramesh Parida and Tullu Parida have been granted bail by the coordinate bench in MCRC No. 1502/2017 vide order dated 22-3-2017 and the case of the present applicant is similar to the above two co-accused persons. It is further

submitted that regarding the matter registered against the applicant as Crime No. 16/2015 which was registered as Criminal Case No. 2702/2015, the applicant has been acquitted vide judgment dated 18-4-2016 by the JMFC, Raipur. Also in Criminal Case No. 132/2012 under Section 3/7 of the Essential Commodities Act, the JMFC, Raipur has acquitted the applicant vide judgment dated 24-1-2013. Other 3 matters are in relation to preventive proceedings and in other matters, the applicant has been granted bail. He is not a convict hence he may be granted bail.

5. Per contra, learned counsel for the State/respondent opposes the arguments advanced on behalf of the applicant on the basis of the quantity of the diesel, petrol and kerosene so seized from the applicant and also 3 matters under the preventive proceedings have been initiated against the applicant, and other matters are in relation to similar offence as surfaced in the order sheet dated 23-6-2017, hence looking to the entire facts, instant MCRC may be dismissed.
6. As the applicant is in jail since 3 months and 17 days till date, charge sheet is filed, trial may take sometime, though as aforementioned many matters have been registered against the applicant but he was acquitted in above 2 matters and also there is no material to show that he has been convicted by any criminal court and also as the co-accused have been granted bail by the coordinate bench in MCRC No. 1502/2017 vide order dated 23-2-2017, and on facts case of the applicant is prima facie similar to that of those accused persons, upon consideration of entire facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of the JMFC, Raipur CG for his appearance before

the said Court regularly as and when directed by the said Court.

7. 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: (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Mandir Hasaud, Distt. Raipur on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. C.C. as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge