

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3557 of 2017**

Tilak Ram Gupta @ Lallu S/o Kamta Prasad Gupta, Aged About 35 Years R/o Village- Bhathagaon, Police Station- Kurud, District-Dhamtari (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station- Kurud, District-Dhamtari Chhattisgarh.

---- Respondent

For applicant	Mr. R.S. Patel, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20-6-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 15-4-2017 in connection with Crime No. 153/2017 registered in PS Kurud, Distt. Dhamtari (CG) for offence punishable under Section 285 of the Indian Penal Code and Section 3 and 7 of the Essential Commodities Act, 1955.
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed which is pending before the JMFC, Kurud, Distt. Dhamtari as Criminal Case No. 317/2017. This is his first bail application before this Court. He is first offender. He may be granted bail as the trial may take time. As per allegation, the applicant was keeping 50 litre diesel illegally in his hotel/shop for the purpose of sell, not dully authorized. If granted bail, he will not commit any offence in future therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the bail application on the basis of quantity of the diesel so seized from the applicant without any

authority. However he fairly conceded that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.
6. On due consideration, as the applicant is the first offender, he is in jail since 2 months and 5 days, charge sheet has been filed and trial may take some time, and as submitted he will not commit any crime in future, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Kurud 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge