

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3613 of 2017**

- Rupesh Kumar Baghel S/o. Shri Gajanand Baghel, Aged About 21 Years Occupation Labour, R/o. Village Bandhapur, Thana Komakhan, Civil & Revenue District Mahasamund (Chhattisgarh)

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Komakhan, Distt. Mahasamund (Chhattisgarh)

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.6.2017**

1. 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.57/2017, registered at Police Station Komakhan, District Mahasamund(CG) for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act, 1915.
3. Learned counsel for the applicant submits that the applicant is arrested on 22.4.2017 and after investigation police had filed charge sheet today itself before the CJM, Mahasamund (CG) and

with this, learned counsel is not in a position to state the no. of Criminal case. As per allegations from the possession of the applicant total 6 bulk liters of country liquor has been seized. He submits that the applicant is aged about 21 years. He is the first offender and he has no criminal background; he will not commit any offence in future, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that earlier Crime No. 100/2016 and Crime No.108/2016 under Section 34(1)(a) of the Chhattisgarh Excise Act, 1915 have been registered against the applicant and with this the applicant had criminal past.

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

6. Without commenting on merits, considering the totality of the facts and circumstances of the case, the applicant is in detention since 1 month and 28 days, he is aged about 21 years and as submitted charge sheet has been filed today itself; though earlier 2 aforementioned matters have been registered against the applicant but both are bailable one and trial may take some time, I am inclined to grant an opportunity to the applicant so that he shall not involve in any of the offence and shall remain in the society peacefully.

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.40,000/- with one surety in like sum to the satisfaction of the C.J.M., Mahasamund (CG) for his appearance before the said Court as and when directed till trial.

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**