

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3738 of 2017**

- Raja @ Gopal Satnami S/o Shri Manohar Satnami Aged About 20 Years R/o Dammani Colony, Police Station - Gobra Nawapara, Raipur, District - (Revenue & Civil) - Raipur (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Gobra Nawapara District - Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Yogesh Pandey, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****23.6.2017**

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.245/2016, registered at Police Station Gobra Nawapara, District Raipur (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 4.10.2016 and after investigation police had filed the charge sheet before Judicial Magistrate First Class, Raipur (CG) but, he is not in a position to state the correct Cr. Case No. As per allegations from the possession of the applicant 9 bulk

liters of foreign liquor has been seized. He submits that the applicant is a poor person and was not in a position to engage Lawyer for presentation of MCRC for his release on bail before this Court and he had filed the instant MCRC without charging any fee on humanitarian ground as a duty of officer of the Court to help the needy person. He further submits that 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.

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 8 months and 19 days till date and Police had not reported any earlier criminal antecedent; charge sheet has been filed and trial may take some time, I am inclined to grant one 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.10,000/- with one

surety in the like sum to the satisfaction of the JMFC, Raipur (CG) for his appearance before the said trial 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.

10. After consideration of the entire submission of learned counsel for the applicant, prima facie it appears that the applicant is a poor person and not having sufficient means to prefer MCRC for his release on bail. With this, for more than 8 months and 19 days he is in custody. Though the applicant is not having any criminal past with the support and help of learned counsel for the applicant, the applicant is successful for his prayer to release on bail to be filed by the present counsel who is doing his job without charging any fee as his pious duty as officer of the Court. This Court for the above act of learned counsel appreciate and honour

and will hope that in future the Hon'ble Members of the Bar may consider and discharge their pious duty as officer of the Court in appropriate cases.

11. This Court felt that prima facie it is surfaced that legal services to the persons those who are not in a position to file their matters before the Courts, requires more attention and discharge of their duties casted on the official and other connected for the same

12. Registrar (Judicial) is directed to send the copy of the order to the Secretary, High Court Legal Services, Committee to take up the matter and examine the areas where more efforts are required in the like matter, failure of persons and system responsible and to take a positive and correctional measure so that like in the present case, any person who is not in a position to file any petition before the appropriate forum may not be deprived of from free legal aid to him/her as protected and guaranteed in the Legal Services Authorities Act, 1987 under intimation.

Certified copy as per rules.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**