

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3998 of 2017**

- Pappu @ Jitendra Gupta S/o Rajendra Gupta Aged About 27 Years R/o Village Pathri Lalguda Para, Police Station Karpawand, Civil And Revenue District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Karpawand, Civil And Revenue District Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri Punit Ruparel, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.7.2017**

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.26/2017 registered in Police Station Karpawand Distt. Bastar (CG) for the offence punishable under Section 34(2) of the Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 03.5.2017, after investigation, concerned police has filed charge sheet which is pending before Chief Judicial Magistrate, Jagdalpur as Criminal Case No.696/17. As per the allegation, 8.640 bulk liters of foreign liquor has been seized from the present applicant, another matter in connection with Crime No.48/09 under Sections 147, 148, 294, 323, 353, 186, 506 Part II IPC has been registered against the applicant and the same was registered

as Criminal Case No.564/09 and in that matter the applicant and the co-accused were granted bail by the Sessions Judge Bastar at Jagdalpur. Though some more matters have been registered against the applicant but the applicant never convicted by the any of the Court and would submit that he may be granted an opportunity to remain on bail so that he will not commit any offence in future.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that earlier following matters have been registered against the applicant which are as follows :

Sl. No.	Crime No.	Offence U/S
01.	Complaint No.01/17 Case	110 Cr.P.C.
02.	Complaint No.136/17 Case	107, 116(3) Cr.P.C.
03.	48/09	147, 148, 294, 332, 353, 186, 506 Part II IPC
04.	Complaint No.117/09 Case	107 Cr.P.C.
05.	77/12	294, 323, 506 IPC
06.	85/12	294, 323, 341, 506/34 IPC
07.	22/17	34C CG Excise Act, 1915

Learned counsel for the State would further submits that as per the material surfaced in the case diary, the applicant is not following the law and when he was absconding once, he threatened the other persons thereby caused fear and threat. He is an habitual offender. Hence, looking to the entire facts, instant bail application may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since two months and eighteen days, charge sheet has been filed, the trial may take sometime for its conclusion, as per the material surfaced, many matters have been registered against the applicant including three matters in relation with preventive proceedings and other matters in relation with penal part and similar offence, as submitted the applicant has been granted bail in connection with Crime No.48/09, the matter is still pending the applicant has never convicted, considering the entire facts, I am inclined to grant last opportunity to the applicant so that he will not repeat the offence in future.

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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Chief Judicial Magistrate, Jagdalpur for his appearance before the said Court as and when directed.

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. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Karpawand, Distt. Bastar **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Karpawand, Distt. Bastar as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE