

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4681 of 2017

- Mithun Gond S/o Uttara Gond, Aged About 22 Years, R/o Village-Chhurchunwa, Police Chowki Beladula; Police Station- Sarsiwan; District (Revenue & Civil)- Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Sarsiwan (wrongly mentioned as Palari in order sheet) District (Revenue & Civil)- Balodabazar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Jhanwar, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.169/17 on 29-6-2017 by P.S. Sarsiwan District Baloda Bazar-Bhatapara, C.G. for the offence under Section 34(2) of the C.G. Excise Act, 1915. Charge sheet has not yet been filed, the applicant is remanded by the CJM Baloda Bazar, C.G. Learned counsel for the applicant would further submit that the applicant is first offender. He will not commit any offence in future and as per the allegation, from the applicant 7 bulk liter hand made country liquor has been seized. Trial may take some time. The applicant may be given one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and also submitted that earlier Crime No.165/17 for the offence under Section 147, 148, 149, 186, 332 and 353 of the IPC has been registered against the applicant. In reply, learned counsel for the applicant submitted that the applicant has already been granted bail in the said matter.
4. Perused the entire material.

5. As the applicant is in custody since 1 month and 17 days till date, charge sheet has not yet been filed, trial may take some time, though earlier one matter in connection with other penal offence has been registered against the applicant, but upon consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Baloda Bazar, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Sarsiwan, District Baloda Bazar-Bhatapara, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the

trial Court without further reference to the Bench.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Aadil