

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4818 of 2017**

- Shrawan Dhiwar S/o Late. Dashrath Dhiwar Aged About 26 Years R/o Kurud Police Station Mandir Hasaud, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Mandir Hasaud, Raipur District- Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate
For Respondent/State	: Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.8.2017**

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.191/2017 registered in Police Station Mandir Hasaud, Distt. Raipur for the offence punishable under Section 34(2) of the Chhattisgarh Excise Act.

3. Learned counsel for the applicant submits that the applicant has been arrested on 05.7.2017, charge sheet is not yet filed, and the applicant has been remanded by Judicial Magistrate First Class, Raipur. As per the allegation, from the possession of applicant, 5.440 bulk liters of country made liquor has been seized. The applicant will not commit any offence in future, as the

trial may take some time for its conclusion, he may be granted bail.

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

SL. No.	Crime No.	Offence U/S.
01.	72/2017	294, 324, 506 IPC
02.	Complaint No. 203/09	107, 116(3) CrPC
03.	Complaint No.231/09	107, 116(3) CrPC
04.	Complaint No.70/16	107, 116(3) CrPC
05.	Complaint No.02/12	110 CrPC
06.	Complaint No.125/17	107, 116(3) CrPC
07.	Complaint No.187/17	107, 116(3) CrPC

5. Perused the entire material.

6. On due consideration, as the applicant is in custody for one month and sixteen days, charge sheet is not yet filed, the trial may take some time for its conclusion, the applicant was never involved in similar crime, as aforementioned six preventive proceeding were initiated and one matter of other penal part has been registered against him and also considering the other facts, I am inclined to grant one opportunity to the applicant so that he will

not commit any offence in future and shall remain peacefully in the society.

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.25,000/- with one solvent surety of like sum amount to the satisfaction of concerned trial Court 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 Mandir Hasaud, Distt. Raipur **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 Mandir Hasaud 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