

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5031 of 2017

- Smt. Domay W/o Late Goverdhan, Aged About 75 Years, R/o Beside Ganesh Resort, Aamaguda, Lalbahadur Sashtri Ward No. 8, Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali, Jagdalpur District Bastar Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ravi Kumar Bhagat, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

28-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.286/2017 on 11-07-2017 by P.S. Kotwali, Jagdalpur, District Bastar, Chhattisgarh for the offence under Section 34(2) of the C.G. Excise Act, 1915. After investigation charge sheet has been filed, which is pending before the CJM Jagdalpur as Criminal Case No.1190/17. Learned counsel for the applicant would further submit that the applicant is aged about 75 years, she is first offender, she will not commit any offence in future and as per the allegation, from the applicant 6.500 bulk liter hand made country liquor has been seized. She may be granted 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, though fairly conceded that there is no any criminal antecedent reported against the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 1 month and 17 days till date,

charge sheet has been filed, trial may take some time, the applicant is a woman aged about 75 years, she is first offender, no criminal antecedent is reported prior to the incident, upon consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that she shall not involve herself 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 her furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Jagdalpur, C.G. for her 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge