

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5062 of 2017**

- Shivrindan Pal, S/o Late Bharat Pal, Aged About 38 Years, R/o Village Tarpongi, Police Station Dharsiva, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Dharsiwa, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vipin Punjabi, Advocate.
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 23/06/2017, in connection with Crime No. 268/2017, registered in Police Station Dharsiwa, Distt. Raipur (C.G.) for offence punishable under Section 285 of the IPC Section 3 and 7 of the Essential Commodities Act, 1955.

3. Learned counsel for the applicant submits that police had filed charge-sheet which is pending before the Judicial Magistrate First Class Raipur (C.G.) as Criminal Case No.5400/17. Learned counsel for the applicant would further submit that the applicant is the first offender. He will not commit any offence in future and no criminal antecedent has been reported against him and as per the allegation,

he was in illegal possession of 60 litre of diesel and 30 litre of petrol for sale and not authorized under the law. The applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of facts surfaced in the charge-sheet though fairly conceded that applicant had no criminal antecedent.

5. Perused the matter.

6. As the applicant is in custody for 2 month 5 days till date, charge-sheet has been filed, trial may take some time, and applicant the applicant is the first offender and will not commit any offence in future, after consideration of the entire facts, I am inclined to grant an opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like some amount to the satisfaction of the Judicial Magistrate First Class Raipur (C.G.) for his appearance before the said Court regularly as and when directed by the said Court. for their appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by

the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remains absent without any sufficient and cogent reason.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge