

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5355 of 2017

- Smt. Janki Bai Dhruw, S/o Late Shri Rajkumar Dhruw, Aged About 38 Years, R/o Gobranawapara, Police Station Gobranawapara, Indra Market Ward No. 05, Nawapara, Civil And Revenue District Raipur (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gobranawapara, District Raipur (Chhattisgarh).

---- Respondent

For Applicant : Ms. Soniya Kuldeep, Advocate.
For Respondent/State : Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

05.09.2017

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 12/05/2017, in connection with Crime No. 108/2017, registered in Police Station Gobranawapara, Distt. Raipur (C.G.) for offence punishable under Section 34(2) of the Chhattisgarh Excise Act 1915.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Judicial Magistrate First Class, Raipur (C.G.) as Criminal Case No. 5072/17. Learned counsel for the applicant would further submit that the applicant is the first offender and he will not commit any offence in future. As per the allegation, from the applicant 5.220 bulk

litre of country liquor has been seized, as the trial may take some time for its conclusion, she 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 though fairly considered that there is not criminal antecedent of the applicant.

5. Perused the matter.

6. As the applicant is the woman and aged about 38 years and she is in custody for 3 months 23 days till date, charge-sheet has been filed, as the trial may take some time, and the applicant is the first offender and that applicant there is no criminal antecedent reported against the applicant, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that she shall 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 applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. Certified Copy as per rules.

Deeptijha

Sd/-
(Chandra Bhushan Bajpai)
Judge