

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5496 of 2017**

- Smt. Dulourin Pardhi, W/o Ramayan Pardhi, Aged About 40 Years, R/o Village Ghatiya Khurd, P. S. Nandini Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Nandini Nagar, District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri Praveen Dhurandhar, Advocate.
 For Non-applicant/State : Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.175/2017 on 05/07/2017 by Police Station Nandini Nagar, Distt. Durg (C.G.) for the offence 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 presently pending before the Judicial Magistrate First Class, Durg (C.G.) as Criminal Case No. 5505/17. Learned counsel for the applicant would submit applicant is a woman and she will not commit any offence in future. As per allegation, from the applicant 5.400 bulk litre country

liquor has been seized, as the trial may take some time, she will not commit any offence in future, she may be granted bail during the trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant and would submit that earlier against the applicant following matters has been registered.

S.No.	Crime No. / Complaint No.	Under Seciton
1.	15/14	34 (1) a of the Chhattisgarh Excise Act, 1915.
2.	136/12	34 (1) a of the Chhattisgarh Excise Act, 1915.
3.	88/11	107 & 116 (3) of the Cr.P.C.
4.	23/11	107 & 116 (3) of the Cr.P.C.

5. Perused the entire material.

6. As the applicant is a woman and she is in custody since 2 months and 7 days till date, charge sheet has been filed, trial may take some time, though against the applicant aforementioned matter has been registered out of those 2 matters were in connection with preventive proceedings which is automatically stopped after 6 months from the initiation and the 2 matters in relation of bailable offence, after consideration of entire facts, I am inclined to grant one last 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, the instant MCRC allowed

8. The applicant is 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 Judicial Magistrate First Class, Durg (C.G.) for her 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 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 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 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge