

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5698 of 2017**

A. Ratna wife of A. Raju, Aged About 40 Years R/o Street No. 8,
Behind Dena Bank, Sector 11, Police Station Chhawani, Tahsil &
District Durg, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate,
Distt.Durg, CG.

---- Respondent

For applicant	Mr. Jitendra Gupta, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20-9-2017**

1. At the outset, learned counsel for the applicant after perusal of the matter submits that on account of clerical mistake, name of the applicant and her husband is mentioned as 'K. Ratna wife of K. Raju' but the correct name of the applicant and her husband is 'A. Ratna wife of A. Raju'. Hence he be permitted to correct the name of the applicant and her husband as surfaced in the entire case diary during the course of the day.
2. Learned counsel for the State submits that in the entries of the case diary name of the applicant and her husband is mentioned as 'A. Ratna wife of A. Raju'.
3. On due consideration, learned counsel for the applicant is directed and permitted to correct the name of the applicant and her husband during the course of the day and the said corrected name of the applicant and name of husband of the applicant be taken into consideration.

4. Heard finally.
5. Applicant A. Ratna has preferred this application for grant of bail as she is arrested on 6-8-2017 in connection with Crime No. 362/2017 registered in PS Chhawani, Dist. Durg (CG) for offence punishable under Section 34 sub-section (2) of the CG Excise Act, 1915.
6. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC, Durg as Cr. Case No. 6761/2017. This is her first bail application before this Court. She is first offender. As per allegation, 6.120 bulk litre country liquor has been seized from the conscious possession of the applicant. She will not commit any offence in future if granted bail. She may be granted bail as the trial may take time.
7. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant on the basis of the quantity of the liquor so seized from the applicant. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.
8. Perused the matter.
9. As the applicant is the first offender, she is in custody since 1 month and 15 days till date, charge sheet has been filed, trial may take some time, and as submitted she will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 JMFC Durg for her appearance before the said Court regularly as and when directed by the said Court.

10. 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: (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.

11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge