

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5763 of 2017**

- Resham Banjare, S/o Mansharam Banjare, Aged About 60 Years, R/o Birgaon, Police Station Jarhagaon, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Jarhagaon, Mungeli, Civil & Revenue District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Pallav Mishra, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.182/17 on 24/08/2017, Police Station Jarhagaon, Distt. Mungeli, (C.G.) for the offence under Section 34(2) of the Chhattisgarh Excise Act, 1915.

3. Learned counsel for the applicant would submit that charge-sheet is not filed, applicant is remanded by Chief Judicial Magistrate, Mungeli, (C.G.). Learned counsel for the applicant would submit that applicant is the first offender and he will not commit any offence in future. As per allegation, from the applicant 10 bulk litre handmade country liquor has been seized, trial may take some time, he may be granted 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 no criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is the first offender, he is in custody since 1 month and 3 days till date, charge-sheet is not yet filed, trial may take some time, as the applicant is aged about 60 years and there is no criminal antecedent reported against the applicant, on due consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the 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.40,000/- with one solvent surety of like some amount to the satisfaction of Chief Judicial Magistrate, Mungeli (C.G.) for his 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 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Jarhagaon, Distt. Mungeli **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicant fails to do so, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge