

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6892 of 2015

Santosh Kakade S/o Shri Tulsiram Kakade, Aged About 42 Years
R/o Mohan Nagar, Durg District Durg (Chhattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Amlipadar, District Gariyaband (Chhattisgarh)

---- Respondent

For applicant - Shri Arvind Dubey, Advocate.
For Respondent/State – Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

15/12/2015

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 60/2015 registered in Police Station Amlipadar, Gariyaband (C.G.). for offence punishable under section 379, 34 of the Indian Penal Code 1860 read with Section 4, 21 of the Mines and Minerals (Development and Regulations) Act, 1975.
2. As per the prosecution case on 17/10/2015 on the information received that illegal mining of the diamond was done at Gariyaband area wherein area was raided and subsequently applicant was apprehended with the diamond and from the possession of this applicant 8 pieces of diamonds were seized.
3. Learned counsel for the applicant submits that all the seizure has been made and charge sheet has been filed. He submits that under the Mines and Minerals (Development and Regulations) Act, 1975 maximum punishment is for two years and taking into fact that no further custodial interrogation is required, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail.

5. Having regard to the facts and circumstances of the case, charge sheet having been filed, considering the evidence available and seizure has already been made and also considering the detention of the applicant that he is in jail since 17/10/2015, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)

JUDGE