

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 542 of 2015

Deepak Agrawal S/o Mahabir Prasad Agrawal Aged About 24 years Occupation - Business, R/o Ambikapur Road Pathalgaon, Post, P.S. & Tehsil - Pathalgaon, Revenue & Civil District Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Dharamjaigarh, Revenue & Civil District Raigarh Chhattisgarh

---- Respondent

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MCRCA No. 543 of 2015

Deepak Agrawal S/o Mahabir Prasad Agrawal Aged About 24 years R/o Ambikapur Road Pathalgaon, Revenue & Civil District Jashpur (Chattisgarh)

---- Applicant

Versus

State Of Chhattisgarh Through, Station House Officer, Dharamjaigarh, Revenue & Civil District Raigarh (Chhattisgarh)

---- Respondent

For Applicant	:	Shri Surfaraj Khan, Advocate
For Respondent / State	:	Shri Vinod Tekam, Panel Lawyer

Order On Board

24/07/2015

Both the aforesaid applications are being disposed off by this common order.

The applicant is apprehending his arrest in connection with Crime No.122/15 in MCrCA No.542/15 and Crime No.123/15 in MCrCA No.543/15 registered at police station Dharamjaigarh, Distt. - Raigarh (CG) for alleged commission of offence under Section 379 of IPC and Section 4 (1) (21) of the Mines and Minerals (Development & Regulation) Act, 1957 (for short 'the Act of 1957")

2. Learned counsel for the applicant submits that in so far as offence under Section 379 of IPC is concerned, it is not prima facie made out. Learned counsel submits that illegal and unauthorised extraction of mineral including minor mineral is an offence under the provisions of the Act of 1957 and rules made therein in respect of the provisions only in accordance with the provisions of the Act of 1957. He submits that those offences are bailable in nature.

3. On the other hand, learned State counsel opposes the bail application and submits that the applicant had illegally extracted mineral. Therefore, offence under Section 379 IPC would also be made out.

4. Taking into consideration the submission of learned counsel for the parties, particularly the submission with regard to the provisions of the Act of 1957, I am inclined to grant anticipatory bail to the applicant.

5. Accordingly, both the applications are allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local sureties for the like amount to the satisfaction of the arresting officer. The applicant would be required to furnish separate personal bond and local sureties in respect of each of the crime numbers i.e. Crime No.122/15 and Crime no.123/15 and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
Manindra Mohan Shrivastava
Judge