

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M. Cr. C. No. 372 OF 2016**

Lakesh Kumar Nirmalkar aged 23 year, S/o Nehru  
Nirmalkar R/o Purani Basti Kharora P.S. Kharora District  
Raipur (C.G.)

**---Applicant****Versus**

State of Chhattisgarh through Police Station Mainpur  
District Gariyaband (C.G.)

**---Non-applicant**

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|-------------------|------------------------------------------|
| For Applicant     | : Mr. Shashi Kumar Kushwaha,<br>Advocate |
| For Non-applicant | : Mr. Avinash Singh, P.L.                |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****16/02/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 134/15, registered at Police Station Mainpur District Gariyaband (C.G.), for the offence punishable under Sections 379, 34 of I.P.C. and Sections

4 and 21 of Mines and Minerals Act.

2. Case of the prosecution, in brief, is that, on 19/10/2015, applicant and one other co-accused person were found in possession of minerals containing diamond amounting to Rs.30,000/- and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that no useful purpose would be served by keeping him in jail. He would lastly submit that charge sheet has been filed and applicant is in jail since 19/10/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that 14 pieces of raw diamonds has been recovered from the possession of present applicant.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and

circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question; nature of allegation; charge sheet has already been filed and applicant is in jail since 19/10/2015, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-  
(Sanjay K. Agrawal)  
JUDGE