

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1901 of 2016**

Kamal Kishore Yadav S/o Jagannath Yadav, aged about 33 years, R/o Village Mothali, P.S. Nagari, District Dhamtari (CG) At Present address: Khemka Colony Saddu, P.S. Mowa (Pandri), Distt.Raipur (CG)

---Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Mainpur, District-Gariyaband (CG)

---Non-applicant

For Applicant	:	Mr. C.R.Sahu, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****11/04/2016**

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.134/2016, registered at Police Station-Mainpur, District-Gariyaband (CG), for the offence punishable under Sections 379 read with Section 34 of the IPC and 4 & 21 of the Mining Act.

2. Case of the prosecution, in brief, is that on 19.10.2015 the applicant and one other co-accused were found in possession of minerals containing diamond amounting to Rs.30,000/- and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been

implicated in crime in question. He would further submit that co-accused Lakesh Kumar Nirmalkar has been released on bail by this Court vide order dated 16.2.2016 in M.Cr.C.No.372 of 2016, the applicant is in jail since 19.10.2015 and charge-sheet has already been filed, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention, the fact that bail was granted to co-accused Lakesh Kumar Nirmalkar and charge-sheet has already been filed, this Court is of the opinion that present is a 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 the applicant shall be released on bail on his 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-