

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 240 of 2016**

- Sitaram Soni S/o Kalyanmal Aged About 48 Years R/o House No. 25, Sohan Nagar, Gone Road, Jaipur, Distt. Jaipur (Rajsthan), (Police Station Khonagorian, Tahsil Sanganer Not Mentioned In Order Sheet). **--- Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Indagaon, Distt. Gariyaband Chhattisgarh. **--- Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

MCRC No. 355 of 2016

- Anil Kumar Agrawal S/o Chandiram Agrawal Aged About 42 Years R/o Village Dharamgarh, Thana Dharamgarh, Tahsil Dharamgarh, Civil & Rev. Distt. Kalahandi, Odisha **--- Petitioner**

Versus

- State of Chhattisgarh Through Police Station Indagaon, Civil District Raipur & Rev. Distt. Gariyaband, Chhattisgarh. **--- Respondent**

For the applicant	:	Mr. Uttam Pandey, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****28.01.2016**

1. These are the second bail applications. The applicants have preferred these applications seeking grant of regular bail under Section 439 of the Code of Criminal Procedure in connection with Crime No. 16 of 2015 registered at P.S. Indagaon, District Gariyaband (C.G) for the offence punishable under Sections 379/34 of IPC and Section 4(21) of the Mining Act.
2. Since both these bail applications are arising out of the same crime number, they are being decided by this common order.
3. As per the prosecution case, on 25.10.2015 the police received

information that the persons who were roaming on the motorcycle are going to sell the valuable diamonds, on which, raid was conducted by the police. During such raid, the applicants were apprehended and thereafter on investigation it was found that six diamonds were recovered from accused Sitaram Soni worth Rs.10,000/- and thereafter on the memorandum of Sitaram Soni, another six pieces of diamonds were recovered from accused Anil Kumar Agrawal and further from Sitaram Soni, cash of Rs.19000/- and one mobile was recovered and from Anil Kumar Agrawal one mobile and cash of Rs.21,000/- was recovered.

4. Learned counsel for the applicants submit that the charge sheet in this case has been filed and earlier the applicants have been falsely implicated. He further submits that entire investigation is complete, therefore, no further seizure is required, and these applicants may be enlarged on bail.
5. Per contra, learned State Counsel opposes the bail applications.
6. Taking into fact that charge sheet in this case has been filed and the report of laboratory has also been filed and the seizure having already been made, no further investigation is necessary and looking to the period of detention of the applicants as they are stated to be in jail since 25.10.2015, I am inclined to release the applicants on bail.
7. Accordingly, the bail applications are allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court. They shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**