

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7652 of 2016

1. Khemsingh Nishad S/o Budhiyar Nishad Aged About 40 Years R/o Village Karviya, Post Office & Police Station Devbhog, District Gariyaband, Chhattisgarh.
2. Hemraj Mali S/o Raviram Mali Aged About 30 Years R/o Village Karviya, Post Office & Police Station Devbhog, District Gariyaband, Chhattisgarh. --- **Petitioners**

Versus

- State of Chhattisgarh Through : The Station House Officer, Police Station - Devbhog, District - Gariyaband Chhattisgarh. -- **Respondent**

For the applicant	: Mr. Shivendu Pandya, Advocate
For the Respondent	: Mr. Anil S. Pandey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

30.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 223/2016 registered at P.S. Devbhog, Distt. Gariyaband (C.G) for the offence punishable under Section 379/34 of IPC and section 4(21) Mines & minerals (Development and Regulation Act, 1957.
2. As per the prosecution case, on 19.09.2016 while the applicants were travelling in motorcycle bearing No.C.G. 04-CX/0187 they were intercepted by the police and on a search being made, 20 precious stones were recovered, out of which, 5 stones were found to be diamonds thereby the offence is found to be committed.
3. Learned counsel for the applicants submits that the charge sheet has been filed; offences are triable by the JMFC; no

further investigation is necessary and the applicants are in jail since 20.09.2016, therefore, they may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicants are in jail since 20.09.2016, I am inclined to allow this bail application.
6. Accordingly, the bail application is 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**