

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7050 of 2017

Jageshwar @ Ballu Dhruw S/o Devji Dhruw, Aged About 23 Years R/o
Mainpur, P.S. Mainpur, District Gariyaband, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Panduka, District Gariyaband,
Chhattisgarh

---- Respondent

Shri Raza Ali, counsel for the applicant/s.
Shri Manish Nigam, Panel Lawyer for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

13/12/2017

Heard.

The applicant has been arrested in connection with Crime No.145/2016 registered at Police Station – Panduka, District - Gariyaband (CG) for alleged commission of offences under Section 21 R/w Section 4 of Mining Act & Section 379 R/w Section 34 of IPC.

2. Case of the prosecution is that on 27/10/2016, the co-accused Baldeo Singh, Sandeep Singh, K.P.Ajit Singh and Surfaraj Khan were found transporting diamond removed from prohibited area of Pailikhand Diamond Mines. On their memorandum, they stated having purchased the same from one Ballu Thakur. Further case of the prosecution is that from the accused, the diamond material along with cash of Rs.72,640/- was recovered. The applicant, in his memorandum, has stated having sold diamond to other co-accused.

3. Learned counsel for the applicant submits that the co-accused Baldeo Singh, Sandeep Singh and Surfaraj Khan have already been granted bail by this Court in MCrC No.727/2017 and MCrC No.773/2017 and K.P.Ajit has been granted bail by the Trial Court on 22/02/2017 under bail application no.31/2017. It is further

submitted that the applicant is in jail since 15/12/2016 and his case is no different from the case of other accused persons. It is also submitted that earlier, two bail applications of the present applicant were rejected on 26/04/2017 and 11/08/2017 and as there is no material progress in trial, the applicant may also be granted bail.

4. On the other hand, learned State counsel opposes bail application and submits that the case of the applicant is different from the other accused as the applicant is the person who is alleged to have involved in illegal mining whereas other accused are those who are alleged to have purchased diamond from the present applicant and his application has been rejected twice.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration that the applicant has remained in jail for about 11 months and further taking into consideration the amount alleged to be involved, value of diamond and that trial has not been concluded, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one surety for the like amount to the satisfaction of the Trial Court. He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge