

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2308 of 2017**

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

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri KK Dewangan, Advocate
For Respondent/State	: Shri Ashok Swarnakar, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.4.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.145/2016 registered at Police Station Panduka, Distt. Gariyaband Civil District Raipur (CG) for the offence punishable under Section 21 read with Section 4 of the Mining Act & Section 379 /34 IPC and Section 411 IPC.
3. Learned counsel for the applicant submits that charge sheet has been filed and the applicant is in detention since 15.12.2016. The matter is pending before JMFC, Rajim as Cr. Case No.

364/2016. He further submits that applicant is innocent and he is not the persons who committed any offence. At the most Section 411 IPC is attracted for him. One KP Ajit has been granted by the lower court. His case is similar to the co-accused who has been granted and nothing has been seized from the applicant, therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that on a memorandum 25 no. diamond mineral and cash amount Rs.72,640/- has been seized from the applicant. The police during investigation collected evidence against the present applicant showing his involvement for the theft of said precious mineral from the restricted area without permission, hence, the case is not prima facie under Section 411 IPC.

5. I have heard the counsel appearing for the parties and perused the material.

6. On due consideration of the material collected against the present applicant, I am not inclined to grant bail to the present applicant. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Certified copy as per rules.

Sd/

(Chandra Bhushan Bajpai)

JUDGE