

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4963 of 2018

1. Khemsingh Nishad S/o Budhiyar Singh, aged about 50 years, R/o Village-Karchiya, Thana Devbhog, Tahsil and District- Gariyaband (C.G.).
2. Shyamlal Mohanti S/o Govind Mohanti, aged about 55 years R/o Village-Mokhaguda, Thana, Devbhog, Tahsil and District- Gariyaband (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through Station House Officer, Police Station – Mahasamund, District- Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Vikas Pradhan, Advocate
For Respondent	:	Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

10/08/2018

1. Counsel appearing on behalf of the applicants submit that he does not want to press this bail application on behalf of applicant No.1.
2. Therefore, this bail filed on behalf of applicant No.1 is dismissed as not pressed.
3. Applicant No.2 has preferred this second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 204/2018 registered at Police Station- Mahasamund (C.G.) for the offence punishable under Sections 379/34 of the IPC and Section 21 (4) of the Mines and Minerals Act.
4. First bail application of the applicants was dismissed as withdrawn with

liberty to file afresh after filing of the charge-sheet vide order dated 27/06/2018 in MCRC No. 3978/2018.

5. As per prosecution story on the basis of secret information received on 10/05/2018, both the applicants were searched. It is alleged that 8 pieces of diamonds were recovered from the possession of applicant No.1 and 4 pieces of diamonds were recovered from the possession of applicant No.2. On the basis of above, offence was registered and both the applicants were arrested on 10/05/2018.
6. Learned counsel appearing on behalf of the applicant No.2 submits that applicant No.2 is the first offender and he has no known criminal antecedent. He further submits he is in custody since 10/05/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, applicant No.2 may be released on bail.
7. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
8. I have heard learned counsel for both the parties.
9. Considering the above facts and circumstances of the case, particularly considering that charge-sheet has already been filed and it seems that applicant No. 2 is the first offender and he is in custody since 10/05/2018, without further commenting on merit of the case, I am inclined to release applicant No.2, Shyamlal on bail.
10. Accordingly, the bail application filed on behalf of applicant No.2 Shyamlal is allowed.
11. It is directed that applicant No. 2 Shyamlal shall be released on bail on

executing a personal bond for a sum of Rs.50,000/- with one solvent surety in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
Judge
Arvind Singh Chandel

Rahul