

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6575 of 2018

- Khem Singh Nishad S/o Budhiyar Singh Aged About 50 Years R/o- Village Karchiya, Thana- Devbhog, Tahsil And District- Gariyabandh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vikash Pradhan, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/10/2018

1. The applicant has preferred this third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 204/2018, registered at Police Station Mahasamund, District Mahasamund (C.G.) for the offence punishable under Section 379/34 of the IPC and Section 21 (4) of Mines and Minerals Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after filing of charge-sheet vide order dated 27.06.2018 passed in M.Cr.C No. 3978/2018.
3. Second bail was also dismissed as not pressed vide order dated 10.08.2018 passed in M.Cr.C. No. 4963/2018.
4. As per prosecution story, on the basis of secret information received on 10.05.2018 to the police authority, present applicant along with co-accused Shyamlal Mohanti were searched by the police personnels. Allegedly 8 pieces of diamond were recovered from the possession of present applicant Khem Singh Nishad and four pieces of diamond were recovered from the possession of co-accused Shyamlal Mohanti.

On the basis of above, offence has been registered and the present applicant is in custody since 10.05.2018.

5. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that the co-accused Shyamlal Mohanti has already granted benefit of bail by this Court vide order dated 10.08.2018 passed in M.Cr.C. No. 4963/2018, present applicant is in custody since 10.05.2018, charge-sheet has been filed and trial will take some time, therefore, he may be released on bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned Counsel for both the parties.
8. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the co-accused Shyamlal Mohanti has already granted benefit of bail by this Court, the present applicant is custody since 10.05.2018 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge