



CGHC010165982026



2026:CGHC:28492

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3852 of 2026

Manish Kumar Sharma S/o Manoj Kumar Sharma Aged About 23 Years R/o Village - Makhdumpur, Police Station And Tehsil- Konch, District- Gaya (Bihar)

--- **Applicant(s)**

versus

State Of Chhattisgarh Through- S.H.O. P.S. Chakradhar Nagar, District- Raigarh (C.G.)

--- **Respondent(s)**

For Applicant(s) : Mr. Ankit Singh, Advocate.

For Respondent(s) : Mr. Nitansh Jaiswal, Deputy Government Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

09/07/2026

- 1 This is the first bail application filed under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the applicant who has been arrested on 08.04.2026 in connection with Crime No. 396/2025, registered at Police Station – Chakradhar Nagar, District Raigarh, for the offence punishable under Sections 316(4) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (*for short, the BNS*).
- 2 Case of the prosecution, in brief, is that the complainant, Vipul Mali, submitted a written complaint at the police station and lodged a report stating that the applicant - Manish Kumar, who was working as an Automobile Executive at Shiv Shakti Plant, had been entrusted by the

company with the responsibility of looking after the company's vehicles, getting the vehicles operated through transporters, and collecting the transportation charges from them. The applicant, after getting different company vehicles operated, did not deposit the hire charges of the vehicles operated during the period from 01.04.2025 to 30.06.2025 into the company's account. Instead, he misappropriated the money and received the payments from different transporters in the bank accounts of Harpreet Singh, Prabha Devi, Sanjay Kumar Singh, as well as in his own bank account, and also received cash payments. Further, the transporters were made to operate the company's vehicles by representing them as someone else's vehicles, and consignment notes (bilties) were prepared in a fraudulent manner. Thus, an amount of Rs.11,35,861/- belonging to the complainant's company was misappropriated during the aforesaid period.

- 3 Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present cases. The matter is still under investigation. The allegations made in the FIR are general and vague in nature. The allegations do not reveal any commission of offence. Nothing incriminating has been seized from the possession of the applicant to connect him with the offence in question. Except for the memorandum statement, there is nothing against the applicant which may prima facie hold the applicant guilty of the offence. The applicant has no other criminal antecedent. The applicant is in jail since 08.04.2026 and the case is under investigation and as such, the filing of the charge sheet and conclusion of the trial would take some time and as such, the applicant prays that he may be released on bail.
- 4 On the other hand, learned State counsel appearing for the respondent/ State opposes the application for grant of bail and submits that though

the matter is under investigation, but prima facie the applicant appears to have been involved in the offence in question. However, it has not been disputed that the applicant has no other criminal antecedent either in the State of Chhattisgarh or in the State of Bihar.

5 I have heard learned counsel appearing for the parties and perused the case diary.

6 Taking into consideration the nature of the allegations levelled against the applicant, the fact that the investigation is still in progress, the period of custody undergone by the applicant since 08.04.2026, the fact that the applicant does not have any criminal antecedents either in the State of Chhattisgarh or in the State of Bihar, and that no material has been brought on record to show that in the event of his release on bail he is likely to abscond, tamper with the prosecution evidence or influence the witnesses, this Court is of the considered opinion that the applicant has made out a case for grant of regular bail. Further, the prosecution case substantially rests upon documentary evidence, which is already available with the investigating agency, the investigation and the subsequent trial are likely to take some time to conclude. At this stage, without commenting upon the merits of the case or expressing any opinion on the allegations levelled against the applicant, this Court is inclined to extend the benefit of regular bail to the applicant.

7 Accordingly, the bail application of the applicant is **allowed**.

8 Let the applicant – **Manish Kumar Sharma** involved in connection with Crime No. 396/2025, registered at Police Station – Chakradhar Nagar, District Raigarh, for the offence punishable under Sections 316(4) and 318(4) of the Bharatiya Nyaya Sanhita, 2023 be released on bail on his furnishing a **personal bond** with **two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

- 9 Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit

