



CGHC010209392026



2026:CGHC:33248

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4940 of 2026**

Deepak Kumar Kaiwat S/o - Late Sadanand Kaiwat Aged About 19 Years  
R/o- Jarhi, Police Station - Bhatgaon, District - Surajpur (C.G.) (As Per  
Correct Details) **...Applicant**

**versus**

State Of Chhattisgarh Through The Station House Officer, Police Station  
Bhatgaon, District - Surajpur (C.G.) **... Non-applicant**

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| For Applicant           | : Mr. Hariom Rai, Advocate.       |
| For Non-applicant/State | : Ms. Ritika Verma, Panel Lawyer. |

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Order on Board**

**31.07.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 20/2026, registered at Police Station – Bhatgaon, District - Surajpur (C.G.) for the offence punishable under Sections 317(2), 303(2), 112(2) & 3(5) of the BNS.
2. The prosecution case, in brief, is that the applicant had gone to

Bhatgaon to attend a family function and parked his motorcycle bearing Registration No. CG-16-CK-3701 at Mina Bazar at about 7:00 P.M. When he returned, he found that his motorcycle had been stolen by an unknown person. Subsequently, he came to know that the said motorcycle had been seized from an alleged thief and was lying at Police Station Bhatgaon. On the basis of the aforesaid incident, Crime No. 20/2026 has been registered at Police Station Bhatgaon, District Surajpur, for offences punishable under Sections 317(2), 303(2), 112(2) and 3(5) of the BNS against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case without there being any cogent evidence against him. It is submitted that the applicant is aged about 19 years and has been in judicial custody since 13.11.2025. Learned counsel further submits that the applicant is the only earning member of his family and his continued incarceration is causing serious hardship to his family. It is also submitted that the applicant has been arrested merely on the basis of a memorandum and no incriminating article has been seized from his possession. Further, the name of the applicant does not find mention in the FIR. Learned counsel submits that the charge-sheet has already been filed before the Court of learned Chief Judicial Magistrate, Surajpur, District Surajpur, on 26.02.2026, and therefore, custodial interrogation of the applicant is no longer required. On these grounds, learned counsel prays that the applicant may kindly be released on bail.
4. On the other hand, learned State Counsel opposed the bail application

and submitted that the charge-sheet has already been filed. It was further submitted that the applicant has four criminal antecedents, therefore, the applicant is not entitled to the grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence levelled against the applicant, and further taking into account that the charge-sheet has already been submitted before the competent Court and the applicant has remained in jail since 13.11.2025, and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let applicant, **Deepak Kumar Kaiwat**, involved in Crime No. 20/2026, registered at Police Station – Bhatgaon, District - Surajpur (C.G.) for the offence punishable under Sections 317(2), 303(2), 112(2) & 3(5) of the BNS, be released on bail on furnishing **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.

8. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**

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