



CGHC010233912026



2026:CGHC:32117

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5653 of 2026

1. Tikam Patel Aged About 25 Years R/o Village Purandi Police Station Nandeli Nagar Tehsil Ahivara Khamtarai District Durg (C.G.)
2. Omprakash Sahu S/o Munnalal Aged About 38 Years R/o Neem Chouk Rawanbatha Lalbahadur Shastri Ward No. 12, Police Station Khamtarai District Raipur (C.G.)

... Applicants

versus

State of Chhattisgarh Through - S.H.O. Police Station Khamhardih District Raipur (C.G.)

... Non-applicant

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For Applicant : Mr. Arun Kumar Shukla, Advocate

For Non-Applicant/State : Mr. Soumya Rai, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

27.07.2026

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. 136/2026 registered at Police Station - Khamhardih, District - Raipur (C.G.), for the offence punishable under Sections 316(4), 306 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.
2. The prosecution case, in brief, is that on 25.04.2026, the complainant

received information from his brother-in-law that the applicant/accused, Krishna Sahu, who was employed as a driver, along with the accountant, Bhupendra Dewangan, had left Raipur in a company vehicle bearing Registration No. CG/04/QG/6633, carrying a cash amount of Rs. 50,00,000/- for delivery at the complainant's residence at Devpuri after banking hours. It is alleged that while proceeding towards Devpuri, the accused stopped the vehicle near Bharat Mata Chowk, Geetanjali Nagar, on the pretext of purchasing Gutkha and asked the accountant to get out of the vehicle. Taking advantage of the situation, the accused allegedly drove away with the vehicle containing the bag filled with cash and absconded. Despite repeated attempts to contact him over the phone, his mobile phone was found switched off. On the basis of the complaint, the police registered the FIR and commenced an investigation into the alleged criminal misappropriation and theft of the cash amount by the accused. Accordingly, the complainant lodged the report against the driver, Krishna Sahu.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. He submits that the their names have surfaced solely on the basis of the memorandum statement of co-accused Krishna Sahu, which, by itself, is a weak piece of evidence and is inadmissible except to the limited extent permissible for the purpose of recovery. He also submits that no overt act of theft or criminal misappropriation has been attributed to the applicants. As per the prosecution case itself, the principal allegation of taking away the vehicle along with the cash amount is against co-accused Krishna Sahu, and the applicants are merely alleged to have subsequently received a part of the said amount. He further submits that the alleged recovery from applicant Omprakash Sahu and applicant Tikam Patel is only Rs. 7,50,000/- and

R. 1,00,000/-, respectively, and the entire alleged amount has already been seized by the investigating agency, leaving no possibility of tampering with the case property. He also submits that except for the memorandum statement and the alleged recovery, there is no independent witness or direct evidence connecting the applicants with the commission of the alleged offence. Besides the above, the evidence collected by the prosecution is not even prima facie sufficient to hold the applicants guilty of the alleged offence. He submits that the present applicants have no criminal antecedents and they are in jail since 26.04.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned State Counsel appearing for the State opposes the bail application and submits that during the course of investigation, the names of the present applicants surfaced in the memorandum statement of co-accused Krishna Sahu, pursuant to which cash amounts of Rs. 7,50,000/- and Rs. 1,00,000/- were recovered from the possession of applicant Omprakash Sahu and applicant Tikam Patel, respectively. He further submits that the applicants were beneficiaries of the misappropriated amount and the recoveries made at their instance lend corroboration to the prosecution case. Considering the nature and gravity of the offence, the substantial amount involved, and the specific role attributed to the applicants, they are not entitled to the grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the allegations, the specific role attributed to the present applicants, and the fact that cash amounts of Rs. 7,50,000/- and Rs. 1,00,000/- were allegedly recovered from the possession of applicant

Omprakash Sahu and applicant Tikam Patel, respectively, pursuant to the memorandum statement of co-accused Krishna Sahu. Looking to the gravity of the offence, the substantial amount involved, and the material collected during the course of investigation, no case for grant of regular bail is made out at this stage.

7. Accordingly, the bail application of the applicants – Tikam Patel and Omprakash Sahu, involved in Crime No. 136/2026 registered at Police Station - Khamhardih, District – Raipur (C.G.), for the offence punishable under Sections 316(4), 306 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice