



CGHC010279472026



2026:CGHC:31486

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6646 of 2026**

Priyesh Barman S/o Samaru Lal Barman Aged About 24 Years R/o Village Kesla, Tahsil And Police Station Pamgarh, District- Janjgir- Champa (C.G.) Name And Village Wrongly Mentioned In P.G No. 9)

... Applicant**versus**

State of Chhattisgarh Through The Station House Officer, Police Station Shivrinarayan, District- Janjgir- Champa (C.G.)

... Non-Applicant

For Applicant : Mr. Kashish Saluja, Advocate
For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.07.2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 96/2026 registered at Police Station- Shivrinarayan, District- Janjgir- Champa, (C.G.) for the offence punishable under Sections 331(5), 305(A) and 310(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story in brief, is that the present crime has been registered against the applicant, Priyesh Barman, and other co-

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accused persons for offences punishable under Sections 305(a), 331(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The prosecution alleges that on 19.03.2026 at about 8:00 a.m., the applicant, along with co-accused Ravi Nirmalkar alias Billu, Shyamji Sinha alias Buti, Sanjay Bunkar alias Ravan and Karan Dinkar, acting in furtherance of their common intention, unlawfully entered the shop of the complainant, Sudip Kumar Gupta, namely “Yuvraj Jewellers and Metal”, situated within the jurisdiction of Police Station Shivrinarayan. It is alleged that the accused persons committed theft of two Apple mobile phones and one Samsung mobile phone, collectively valued at approximately Rs. 81,000/-, and, during the course of the incident, assaulted the complainant and his wife with fists and kicks. The prosecution further alleges that, as revealed from the memorandum statements of the accused persons and other material collected during investigation, the conspiracy to commit the offence was allegedly hatched at the residence of the applicant, where the co-accused persons had assembled, and that a reconnaissance (recce) of the jewellery shop was conducted on 18.03.2026 prior to the commission of the alleged offence. On the basis of the aforesaid allegations, the applicant came to be arrested in connection with the present crime. Hence, the present bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the essential ingredients of the offences alleged against the applicant are not made out from the material collected

during the course of investigation and that there is no cogent evidence directly connecting him with the commission of the alleged crime. He further submits that no stolen property, as described in the FIR, has been recovered from the possession of the applicant. The only article allegedly recovered from him is a motorcycle, which does not form part of the stolen property and, therefore, does not establish any nexus between the applicant and the alleged offence. It is further argued that the injuries sustained by the complainant and his wife are simple in nature, as reflected from the medical records, and no grievous or life-threatening injury has been reported. He further submits that the present applicant has no previous criminal antecedents, the charge-sheet has been filed before the competent Court, he is in jail since 19.03.2026, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. She further submits that the applicant is involved in a serious offence of theft and house-trespass committed in furtherance of a pre-planned conspiracy along with the co-accused persons. It is contended that, during the course of investigation, sufficient incriminating material has been collected indicating the active participation of the applicant in the commission of the alleged offence. She further submits that recoveries have been effected at the instance of the present applicant, including the motorcycle allegedly used in the commission of the offence as well

as a stolen mobile phone connected with the crime, which prima facie corroborate the prosecution case. It is further argued that the memorandum statements of the accused persons and other material collected during investigation reveal that the offence was committed pursuant to a premeditated plan. She has also pointed out that the applicant has two previous criminal antecedents, which reflects adversely on his conduct and disentitles him from the discretionary relief of bail. Considering the gravity of the allegations, the nature of the offence, the recoveries made from the applicant, and his criminal antecedents, she prays that the applicant is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that though the allegation against the applicant is that, applicant along with the co-accused persons, he conspired to commit theft at the shop of the complainant, unlawfully entered the premises, assaulted the complainant and his wife, and stole mobile phones worth about Rs. 81,000/- and during investigation, a motorcycle and a stolen mobile phone were recovered from the possession of the applicant and It has also been pointed out by the State that the applicant has two previous criminal antecedents, but it is also to be noted that the the injuries sustained by the complainant and his wife are simple in nature, as reflected

from the medical records, and no grievous or life-threatening injury has been reported and further the fact that the investigation has already been completed and charge-sheet has been filed before the competent Court, the applicant is in jail since 19.03.2026 and the final conclusion of trial is likely to take some considerable time, therefore, without commenting anything on merits of the case, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the applicant - **Priyesh Barman**, involved in Crime No. 96/2026 registered at Police Station- Shivrinarayan, District- Janjgir-Champa, (C.G.) for the offence punishable under Sections 331(5), 305(A) and 310(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing **a personal bond** with **two 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

Rahul Dewangan