



CGHC010283792026



2026:CGHC:32977

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6682 of 2026**

Sandeep Nishad S/o Shri Jagmohan Nishad Aged About 21 Years R/o
Village New Bandri, Birgaon, P.S. Urla, District- Raipur, C.G.

... Applicant**versus**

State of Chhattisgarh Through Police Station Urla, District- Raipur, C.G.

... Non-Applicant

For Applicant : Mr. Kartik Kathuriya, Advocate

For Non-Applicant/State : Ms. Ritika Verma, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****30.07.2026**

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. 280/2026 registered at Police Station- Urla, District- Raipur, (C.G.) for the offence punishable under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story in brief, is that on the basis of a complaint lodged by the complainant, Gopal Mishra, a First Information Report was registered at Police Station Urla under Crime No. 280/2026 for offences punishable under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhita, 2023, against unknown persons.

RAHUL
DEWANGAN

Digitally
signed by
RAHUL
DEWANGAN

During the course of investigation, the police allegedly recovered and seized certain stolen articles from the possession of the present applicant, including 16 LED lights, 100 feet of cable wire, one welding machine, one grinder machine, one blower machine, one drill machine, 360 metres of 2.5 mm electric wire, and two MCB switches. On the basis of the said recovery and other material collected during investigation, the applicant was implicated in the case and subsequently arrested. After completion of investigation, the applicant was charge-sheeted before the competent Court. 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 and has no role whatsoever in the commission of the alleged offence. It is submitted that the applicant has been implicated merely on the basis of suspicion and that the investigation has not been conducted in a fair and proper manner, as the mandatory legal provisions relating to search and seizure were not duly complied with. He further submits that the complainant has voluntarily appeared through counsel and has filed a memo along with a sworn affidavit stating that he has no objection if the applicant is enlarged on bail. It is also submitted that the memorandum statement of the applicant has already been recorded and the alleged stolen articles, including electrical wires, LED lights and machinery, have already been recovered and seized by the investigating agency. Therefore, no further custodial interrogation of the applicant is required and his continued detention would serve no useful purpose. It is further

submitted that no specific overt act has been attributed to the applicant and that he is a law-abiding citizen. He further submits that the applicant is a young man aged about 21 years and is the sole breadwinner of his family, has no previous criminal antecedents, the charge-sheet has been filed before the competent Court, he is in jail since 22.06.2026, 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 allegations against the applicant are serious in nature and that sufficient material has been collected during the course of investigation connecting him with the commission of the alleged offence. It is further submitted that a substantial quantity of the stolen property, comprising electrical goods and equipment valued at approximately Rs.3,00,000/-, has been recovered and seized from the possession of the applicant pursuant to the investigation. The recovery includes LED lights, electrical wires, a welding machine, a grinder machine, a blower machine, a drill machine, MCB switches and other articles, which prima facie establishes the involvement of the applicant in the offence. She further submits that the mere filing of an affidavit or no-objection by the complainant cannot dilute the gravity of the allegations or the evidentiary value of the recovery effected from the applicant. Considering the nature of the offence, the value of the recovered property and the material available on record, it is prayed

that the present bail application deserves to be rejected.

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 applicant was involved in the alleged offence and stolen electrical articles were recovered from his possession during the course of investigation, and the value of the recovered property is stated to be approximately Rs.3,00,000/-, but it is also to be noted that the charge-sheet has already been filed in the present cases, he has no previous criminal antecedents, the applicant is in jail since 22.06.2026 and conclusion of the trial may take some time, therefore, without expressing any opinion on the 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 - **Sandeep Nishad**, involved in Crime No. 280/2026 registered at Police Station- Urla, District- Raipur, (C.G.) for the offence punishable under Sections 331(4) and 305 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