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Date: 2026.08.06
17:59:11 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 7192 of 2026**

Hemant Agrawal S/o Late Jeevanlal Agrawal, Aged About 41 Years R/o House No. 86 Mahasamund, Bagbahara Road, Gram Aanvaradabari, Tehsil - Mahasamund, District - Mahasamund (C.G.) Present Residence - T R C Colony, Amleswar, Tahsil And District - Durg (C .G.) ... **Applicant**

versus

State Of Chhattisgarh Through Police Station - Rudri, District - Dhamtari (C.G.) ... **Non-applicant**

For Applicant : Mr. Anshul Tiwari, Advocate.

For Non-applicant/State : Mr. Sumit Singh, Dy. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****06.08.2026**

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. 36/2025 registered at Police Station - Rudri, District - Dhamtari (C.G.), for the offences punishable under Sections 318(4) and 238 of the BNS , 2023.

2. The prosecution case, in brief, is that the Complainant's husband had been ill for 34 months. The Applicant a resident of Raipur and an occultist (Tantrik) was treating him; on dated 28.07.2025 the applicant tied the Complainant's gold sacred necklace (mangalsutra) weighing about one tola in a cloth and kept it beside her husband instructing her to open the knot after one month by stating that opening it earlier might result in her husband's death. That, after one month on dated 01.09.2025 when the Complainant opened the cloth and checked it, she found a fake or duplicate sacred necklace (mangalsutra) in place of the original one. Thereafter, the Complainant lodged a written complaint on dated 02.09.2025 at Police Station Rudri, upon which Crime No. 36/2025 was registered against the Applicant under Sections 318(4) and 238 of the Bharatiya Nyaya Sanhita, 2023.
3. Learned counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and has not committed any offence punishable with death or imprisonment for life. It is further submitted that there is no solid or incriminating evidence recovered from the applicant connecting him with the alleged offence. The applicant has been in custody since 10.03.2026 and his continued incarceration, particularly with hardened criminals, may adversely affect his conduct and future prospects. Learned counsel further submits that the applicant is the sole breadwinner of his family and his continued detention is causing severe financial hardship to his dependent family members. It is also submitted that the applicant is not an occultist or Tantrik as alleged by the prosecution and the complainant, but is engaged in the lawful occupation of driving rented vehicles. Learned counsel further submits

that the FIR was initially registered against one Prashant Tripathi and the present applicant is not the said person, which renders the prosecution case against him doubtful. It is further submitted that the applicant had no acquaintance or prior relationship with the complainant and did not even know her before the alleged incident. Therefore, the prosecution story is highly doubtful and requires consideration during trial. Learned counsel also submits that the learned Trial Court failed to properly appreciate the facts and circumstances of the case and the defence raised by the applicant while rejecting his bail application. Hence, considering the aforesaid circumstances, learned counsel prays that the applicant may kindly be enlarged on regular bail.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the applicant has 8 previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the offence alleged against the applicant, and further taking into account the period of detention, as the applicant has remained in judicial custody since 10.03.2026, and the fact that the charge-sheet has already been filed before the competent Court, and that the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.
7. Let the Applicant – **Hemant Agrawal**, involved in Crime No. 36/2025

registered at Police Station - Rudri, District - Dhamtari (C.G.), for the offences punishable under Sections 318(4) and 238 of the BNS , 2023, be released on bail on his 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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice