



CGHC010291812026



2026:CGHC:32931

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.CrC No.6934 of 2026

Dilip Rai @ Golu S/o Shri Amarnath Rai Aged About 23 Years R/o Village Parouva, P.S. Goura Ashapur, District Jounpur U.P. At Present R/o Fadari Badi, Near Jan Devi Temple P.S. Gouraiepada, Basaie East Mumbai, Maharashtra. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station D.D. Nagar Raipur District Raipur C.G. **... Non-applicant**

For Applicant :Mr. Yogesh Pandey, Advocate.

For Non-applicant/State :Mr. SS Baghel, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

30.07.2026

- The Applicant has preferred this 1st Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in

SISTLA NEELIMA VISHNU PRIYA	Digitally signed by SISTLA NEELIMA VISHNU PRIYA Date: 2026.07.31 16:10:13 +0530
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connection with Crime No.33/2019 registered at Police Station DD Nagar, Raipur District Raipur (C.G.), for the offences under Sections 307, 394 and 397 of IPC as also under Sections 25 & 27 of Arms Act.

2. Briefly stated, the case of the prosecution is that on 01.02.2019 at about 8:30 P.M., while the complainant, Sanjay Soni @ Mohit, along with his father was returning home on an Activa scooter after closing their jewellery shop at Changorabhata and carrying bags containing gold and silver ornaments, three unknown persons riding a motorcycle intercepted them and attempted to rob the jewellery. When the complainant and his father resisted, one of the assailants allegedly fired at the complainant's father with a pistol, while another assaulted the complainant with the butt of the pistol, causing injuries and thereafter fled with three bags containing gold and silver jewellery. On the basis of the report, an offence was registered and during investigation, the involvement of accused persons Mahesh Verma, Devi Prashad and Javed Akhtar came to light. It is further alleged that during investigation of another case registered at Police Station Tikrapara, the accused persons allegedly confessed to having committed the present offence along with their associates. Thereafter, they were taken on police remand,

their memorandum statements were recorded and on the basis of the memorandum statement of accused Anupam Jha, 10 gold ornaments weighing about 69 grams and silver ornaments weighing about 3.169 kilograms, collectively valued at approximately Rs.4,39,000/-, were recovered. Based on these allegations, the aforesaid offences were registered against the present Applicant. Hence this 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 no recovery has been effected from the possession of the present Applicant and the alleged recovery has been made from co-accused Anupam Jha. It is further submitted that the Applicant has been implicated solely on the basis of the memorandum statement of the co-accused, which by itself is not admissible in evidence. He further submits that on the basis of the memorandum statement of co-accused Anupam Jha, three criminal cases were registered against the Applicant, out of which he has already been acquitted in two cases. It is lastly submitted that the Applicant is in judicial custody since 16.01.2020 and despite prolonged incarceration, only seven prosecution witnesses have been examined and twelve prosecution

witnesses are still remaining to be examined and as the trial is likely to take considerable time for its conclusion, he may be enlarged on regular bail.

4. Per contra, learned State Counsel opposes the application and submits that two criminal cases were registered against the present Applicant, in which he has been acquitted.
5. Considering the submissions advanced by learned Counsel for the parties, perusal of the case diary, the nature of allegations, the fact that no recovery has been effected from the possession of the present Applicant and he has been implicated on the basis of the memorandum statement of the co-accused, the fact that the Applicant is in judicial custody since 16.01.2020, only seven prosecution witnesses have been examined and twelve prosecution witnesses are still remaining to be examined and further considering that the trial is likely to take considerable time for its conclusion, without further commenting anything on the merits of the case, this Court is of the considered opinion that it is a fit case to allow the application. Accordingly, the bail application is **allowed**.
6. Let Applicant-**Dilip Rai @ Golu** involved in Crime No.33/2019 registered at Police Station DD Nagar, Raipur District Raipur (C.G.), for the offences under Sections 307, 394 and 397 of

IPC as also under Sections 25 & 27 of Arms Act be released on bail on his furnishing **a personal bond with two local sureties** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicant/s shall file an undertaking to the effect that he/they 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/s shall remain present before the trial court on each date fixed, either personally or through his/their counsel. In case of his/their absence, without sufficient cause, the trial court may proceed against him/them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant/s misuse/s the liberty of bail during trial and in order to secure his/their presence, proclamation under Section 84 of BNSS. is issued and the applicant/s fail/s to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him/them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant/s 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/s 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/them in accordance with law.

7. 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

Priya