



CGHC010298362026



2026:CGHC:34607

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 7099 of 2026**

Mused Khan S/o Hanif Khan Aged About 22 Years R/o Village Bamni
P.S. Jurhera District- Bharatpur, (Rajasthan)

... Applicant**versus**

State of Chhattisgarh Through P.S. Kawardha, District- Kabirdham
(Chhattisgarh)

... Non-Applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer

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

1. This is the **second 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. 20/2025 registered at Police Station- Kawardha, District - Kabirdham, (C.G.) for the offence punishable under Sections 303(2) and 112 of the Bharatiya Nyaya Sanhita, 2023.
2. The earlier bail application of the applicant being MCRC No. 6530/2026 was dismissed by this Court vide order dated 27.07.2026.

- 3.** The prosecution story, in brief, is that the complainant, Vijay Patel, lodged a report at Police Station Kawardha stating that on 16.01.2025, his driver, Jayprakash Khande, informed him over the telephone that he had parked the sand-laden tipper truck bearing Registration No. CG-09-AS-0443 at Transport Nagar, Kawardha, at about 07:00 A.M., but upon returning, the vehicle was found missing. Despite making a search, neither the complainant nor the driver could trace the vehicle, whereupon it was suspected that some unknown person had committed theft of the said tipper truck. On the basis of the said report, Crime No. 20/2025 was registered at Police Station Kawardha for the offences punishable under Sections 303(2) and 112 of the Bharatiya Nyaya Sanhita against unknown persons and investigation was set in motion. During the course of investigation, the present applicant and other co-accused persons were apprehended, their memorandum statements were recorded, and on the basis of the material collected during investigation, the present offence was registered against them. Hence, the present bail application.
- 4.** Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present case. It is further submitted that no overt act has been attributed to the applicant in the commission of the alleged offence. It is also submitted that the FIR was initially registered against unknown persons and, although CCTV cameras were installed at the place of occurrence, the prosecution has failed to identify the actual perpetrators as their faces were allegedly covered with masks at

the time of the incident. He further submits that no legally admissible evidence has been collected against the applicant and no stolen property has been recovered from his possession so as to connect him with the alleged offence. It is argued that the entire prosecution case rests solely upon the memorandum statements of the accused persons and the consequential seizure, which by themselves constitute weak evidence and are insufficient to establish the applicant's involvement. It is further pointed out that the co-accused, namely Mohammad Ujer Khan @ Ujji, who is also similarly placed in the present case, has been granted bail by this Hon'ble Court in connection with his criminal antecedents in MCRC Nos. 1400/2026, 893/2026 and 2207/2026 by a common order dated 10.04.2026. He fairly submits that the present applicant has three criminal antecedents, namely Crime No. 156/2025 registered at Police Station Kawardha for the offences punishable under Sections 309(4) and 311 of the Bharatiya Nyaya Sanhita, Crime No. 165/2025 registered at Police Station Kawardha for the offences punishable under Sections 309(4) and 311 of the Bharatiya Nyaya Sanhita, and Crime No. 370/2025 registered at Police Station Khamtarai for the offences punishable under Sections 303(2) and 3(5) of the Bharatiya Nyaya Sanhita. However, it is submitted that the applicant has already been enlarged on bail by this Hon'ble Court in Crime No. 156/2025 vide order dated 21.07.2026 passed in MCRC No. 6522/2026, in Crime No. 165/2025 bail has also been granted today by this Hon'ble Court in MCRC No. 7197/2026, and in Crime No. 370/2025 the applicant has already been released on

bail by the learned Trial Court. He further submits that the charge-sheet has been filed, he is in jail since 24.04.2025, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

5. On the other hand, learned State counsel opposes the present bail application and submits that the charge-sheet has been submitted before the competent Court. She further submits that the applicant is specifically implicated in the commission of a serious offence involving the theft of a heavy vehicle and that sufficient material has been collected during the course of investigation connecting him with the crime. It is submitted that the involvement of the applicant has surfaced during the investigation and on the basis of the memorandum statements of the co-accused persons, which led to the discovery of relevant facts. She further submits that the applicant is a habitual offender and has three criminal antecedents to his credit, namely Crime No. 156/2025 and Crime No. 165/2025 registered at Police Station Kawardha, and Crime No. 370/2025 registered at Police Station Khamtarai, which reflect his criminal propensity. Considering the nature of allegations, the criminal antecedents of the applicant, and the possibility of his indulging in similar activities if released on bail, therefore, the applicant is not entitled for grant of bail.
6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Considering the nature of allegations, the material available on record, the fact that the FIR was initially registered against unknown persons, the evidence against the applicant is primarily based upon the memorandum statements of the co-accused persons, the evidentiary value of which shall be examined during trial. Further considering the fact that though the applicant has three criminal antecedents, namely Crime No. 156/2025 registered at Police Station Kawardha for the offences punishable under Sections 309(4) and 311 of the Bharatiya Nyaya Sanhita, Crime No. 165/2025 registered at Police Station Kawardha for the offences punishable under Sections 309(4) and 311 of the Bharatiya Nyaya Sanhita, and Crime No. 370/2025 registered at Police Station Khamtarai for the offences punishable under Sections 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, it is not disputed that the applicant has already been granted bail by this Court in MCRC No. 6522/2026 arising out of Crime No. 156/2025 vide order dated 21.07.2026, in MCRC No. 7197/2026 arising out of Crime No. 165/2025, which has also been allowed today, and in Crime No. 370/2025 he has already been enlarged on bail by the learned Trial Court. Further the fact that the charge-sheet has been submitted before the competent Court and he is in jail since 24.04.2025, the conclusion of the trial may take some more 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 on the ground of parity.

8. Accordingly, the second bail application of the applicant is **allowed**.

Let the Applicant – **Mused Khan**, involved in Crime No. 20/2025 registered at Police Station- Kawardha, District - Kabirdham, (C.G.) for the offence punishable under Sections 303(2) and 112 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on 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.

- 9.** 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