



CGHC010303192026



2026:CGHC:34773

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7236 of 2026

Haider Ali S/o Imdad Ali, Aged About 60 Years R/o Kelabadi, Near Baba Atta Chakki, P. S. Padmanabhpur, Durg, District Durg, Chhattisgarh.

... **Applicant(s)**

versus

State Of Chhattisgarh Through S H O, Police Station Tarbahar, District Bilaspur (C.G.)

... **Respondent(s)**

For Applicant(s) : Mr. Shikhar Bakhtiyar, Advocate.

For Respondent(s) : Ms. Sumit Singh, Deputy Advocate General.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

07/08/2026

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. 194/2026 registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 318(4) of BNS.

- 2.** Case of the prosecution, in brief, is that on 12.06.2026, the complainant, along with his son, went to Vyapar Vihar, Bilaspur, carrying Rs.3,00,000/- in cash for the purchase of wholesale grocery items. After making certain purchases, an amount of Rs.2,50,000/- remained in a cloth bag. While proceeding to purchase pulses near an egg stall, an unknown person approached the complainant on the pretext of inquiring about rice and falsely claimed that he could cure his ailments and make him wealthy. The said person induced the complainant to bring incense sticks and, in the meantime, got the complainant to hand over the bag containing Rs.2,50,000/- to his associate. Thereafter, he instructed the complainant to walk 21 steps forward without looking back. Taking advantage of the complainant's absence, both accused persons fled from the spot on a motorcycle with the cash bag. On the basis of the report lodged by the complainant, FIR bearing Crime No. 194/2026 was registered on 12.06.2026 at Police Station Tarbahar, Bilaspur, for the offence punishable under Section 318(4) of the Bharatiya Nyaya Sanhita, 2023. Hence, the bail application.
- 3.** Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that the FIR was lodged against an unknown person. The complainant neither named the applicant in the FIR nor furnished any specific description capable of establishing the Applicant's identity as the alleged offender,

thereby rendering his subsequent implication doubtful. He also submits that the complainant approached him seeking assistance in purchasing good-quality rice and voluntarily handed over Rs.5,500/- for the same. Owing to unforeseen circumstances, the Applicant could not return with the rice. The allegations of hypnotism, deceit under the guise of religious rituals, and theft of Rs.2,50,000/- are wholly false and fabricated, intended to give a serious criminal colour to what is, at best, a minor monetary dispute involving Rs.5,500/-. The applicant is in jail since 14.06.2026, the applicant has four criminal antecedents, out of which, in three cases, the applicant has already been acquitted of the charges and only one case is pending, which is under the BNS in the State of Maharashtra, further charge-sheet has not been filed 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 not been filed in the present case. He further submits that the applicant acting in furtherance of a common intention with a co-accused, deceived the complainant under the pretext of curing his ailments and making him wealthy, induced him to hand over a bag containing Rs.2,50,000/-, and thereafter absconded with the cash on a motorcycle, so far as criminal antecedents of the applicant are concerned, the applicant has four criminal antecedents under the IPC/BNS. Therefore, the applicant is not entitled for grant of 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 offence, period of detention of the applicant since 14.06.2026, the fact that the applicant acting in furtherance of a common intention with a co-accused, deceived the complainant on the false promise of curing his ailments and making him wealthy, induced him to hand over a bag containing Rs.2,50,000/-, and thereafter fled away with the cash on a motorcycle, but considering the criminal antecedents of the applicant, which are four in number, out of which, in three cases, the applicant has already been acquitted of the charges and only one case is pending against the applicant, though charge-sheet has not been filed in the present case, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Haider Ali**, involved in Crime No. 194/2026 registered at Police Station Tarbahar, District Bilaspur (C.G.) for the offence punishable under Section 318(4) of BNS, 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.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE