CGHC010281842026 2026:CGHC:44429

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1795 of 2026

Jagat Kumar Baid S/o Late Indarchand Baid Aged About 58 Years Occupation- Clothing Business, R/o Main Road Baikunthpur, Dist.- Koriya, C.G. --- **Appellant**

versus

State Of Chhattisgarh Through- S.H.O., P.S.- Baikunthpur, District- Korea, C.G. (Wrongly Mentioned In As Ajak In Order Sheet). --- **Respondent**

CRA No. 2173 of 2026

Vinod Kumar Baid S/o, Late Indrachand Baid Aged About 51 Years R/o Main Road, Ward No. 13, Baikunthpur, Thana And Tehsil Baikunthpur, District Korea, (C.G.). ---**Appellant**

Versus

State Of Chhattisgarh Through - S.H.O., Police Station, Baikunthpur, District - Korea (C.G.). --- **Respondent**

CRA No. 1800 of 2026

Deepak Baid S/o Jagat Baid, Aged About 37 Years R/o Main Road Baikunthpur, Thana And Tehsil Baikunthpur District Korea C.G. ---**Appellant**

Versus

State Of Chhattisgarh Through S.H.O. Police Station Baikunthpur District Korea C.G.. --- **Respondent**

For respective Appellants	**:**	Mr. Sanjay Agrawal, Advocate Mr. Chandresh Shrivastava, Advocate along

		with Mr. Sashwat Gupta, Advocate
For Respondent(s) /State	**:**	Mr. Dharmesh Shrivastava, Deputy Advocate General

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

14/10/2026

1. Since all these appeals arise out of the same crime number, they are heard and disposed of conjointly.
2. Criminal Appeal No. 1795 of 2026 has been preferred by Jagat Kumar Baid and Criminal Appeal No. 1800 of 2026 has been preferred by Deepak Baid apprehending their arrest in connection with Crime No. 214/2026, registered at Police Station Baikunthpur, District Korea (C.G.), for offences punishable under Sections 107, 296, 308(2), and 309(4) of the Bharatiya Nyaya Sanhita, 2023 (BNS), and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act"), praying for grant of anticipatory bail. They were granted ad-interim anticipatory bail vide order dated 08.09.2026.
3. Criminal Appeal No. 2173 of 2026 has been preferred by appellant Vinod Kumar Baid under Section 14A(2) of the SC/ST Act seeking grant of regular bail in connection with the same Crime No. 214/2026, registered at Police Station Baikunthpur, District Korea, for the aforesaid offences.
4. The case of the prosecution, in brief, is that on 07.07.2026, the complainant's 17-year-old daughter namely Pooja Painkra, accompanied by her 15-year-old sister namely Chhaya visited IC Mart, Baikunthpur, to purchase household articles. It is alleged that the accused persons, namely Vinod Baid, Deepak Baid, Jagat Baid, and others managing the establishment, wrongfully restrained the minor girls, falsely accused them of theft, compelled them to prepare a list of

the alleged stolen articles, and coerced deceased into writing a note admitting that she and her sister had committed theft at IC Mart. It is further alleged that the accused persons retained the keys to the victims' scooter and demanded a sum of ₹50,000/- for their return. According to the prosecution, the deceased was subjected to intimidation, humiliation, threats of public disgrace, and unlawful monetary demands, which caused her severe mental trauma, driving her to commit suicide on 09.07.2026. On the basis of these allegations, Crime No. 214/2026 was registered against the appellants.

5. Learned counsel for the appellants would submit that the learned Special Judge failed to properly appreciate the material available on record and rejected the bail application without assessing whether the essential ingredients of the alleged offences were attracted. They would further submit that the allegations in the FIR and the case diary do not disclose any specific overt act or active instigation attributable to the appellants that would constitute abetment under the law. They would also submit that the allegations of demanding ₹50,000/- and withholding the scooter are omnibus and general in nature. They would contend that the incident of alleged theft took place on 07.07.2026; the father of the deceased visited the mart on 08.07.2026, viewed the CCTV footage, and returned home; and the deceased committed suicide subsequently on 09.07.2026. They would further contend that IC Mart is a commercial retail store open to all customers, and the appellants were neither acquainted with the victims nor aware of their caste; thus, no offence under the SC/ST Act is made out. Investigation is complete, the charge-sheet has already been filed, appellant Vinod Kumar Baid has been in custody since 11.07.2026. Further, the appellants Jagat Kumar Baid and Deepak Baid were granted ad-interim anticipatory bail by the coordinate Bench; they have no criminal antecedents; thus, they may be enlarged on bail.

6. On the other hand, learned State counsel would oppose and submit that the appellants herein snatched the keys of the victim's scooter, demanded Rs. 50,000/-, and they made the victim write down that she committed theft at their shop and humiliated her, which was the reason she committed suicide. It is also contended that the appellants herein instigated her; therefore, prima facie case is made out under Section 107 of BNS. Further, the victim belongs to ST category, therefore, no case is made out in their favour.

7. On 29.09.2026, father of the deceased appeared before this Court through VC from concerned DLSA and has raised objection in release of the appellant Vinod Kumar Baid on bail.

8. Heard learned counsel for the parties and perused the case diary.

9. Perusal of the case diary would make it clear that on 07.07.2026, the victim and her younger sister visited the shop of the appellant Vinod Kumar where the victim committed theft and this act was recorded in CCTV camera; the parents of the victim were called on 08.07.2026; the victim committed suicide on 09.07.2026; proclamation was issued against the appellants on 10.07.2026; appellant Vinod Kumar Baid was arrested on 11.07.2026; the main allegation is that appellants compelled her to write down on paper that she committed theft of certain articles and keys of her scooter were retained.

10. Section 45 of the Bharatiya Nyaya Sanhita, 2023 deals with abetment of a thing, which reads as under:

> **"45. Abetment of a thing.—**
>
> A person abets the doing of a thing, who—
>
> (a) instigates any person to do that thing; or
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> (b) engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in pursuance of that conspiracy, and in order to the doing of that thing; or

> (c) intentionally aids, by any act or illegal omission, the doing of that thing.
>
> *Explanation 1.*—A person who, by wilful misrepresentation, or by wilful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to instigate the doing of that thing.
>
> *Explanation 2.*—Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof, is said to aid the doing of that act."

11. To constitute abetment under Section 45 of BNS, there must be active instigation, intentional aiding, or conspiracy having a direct, proximate nexus with the commission of suicide. Mere questioning regarding an act of theft, made the deceased writing on paper about the theft; calling parents does not fulfill the statutory requirements of abetment.

12. In the present case, there is no allegation that the appellants abetted the victim to commit suicide. The prosecution has not denied the fact that the victim committed theft; though she was compelled to write down on a paper that she committed theft of certain articles, it would not amount to abetment according to the definition of abetment under Section 45 of BNS. The offence was not committed with intention that the victim belongs to the ST Category. Further, taking into consideration that the appellants Jagat Kumar Baid and Deepak Baid were granted ad-interim bail by the co-ordinate Bench on 08.09.2026 and further, the appellant Vinod Kumar Baid is in jail since 11.07.2026; charge-sheet has already been filed; the appellants have no criminal antecedents; I am inclined to grant regular bail to appellant Vinod Kumar Baid and anticipatory bail to appellants Jagat Kumar Baid and Deepak Baid. Accordingly, the appeals are **allowed** and orders dated **13.07.2026,**

16.07.2026 & 12.08.2026, passed by the learned Special Judge (SC/ST (PoA) Act), District Koriya, Baikunthpur are hereby **set aside**.

13. It is directed that in the event of the appellant **Vinod Kumar Baid** executing a personal bond for a sum of **Rs. 50,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on following conditions:-

(i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial.

(iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

14. In the event of arrest the appellants- **Jagat Kumar Baid** and **Deepak Baid** shall be released on anticipatory bail upon each furnishing a personal bond in the sum of ₹**50,000/-** with one surety in the like sum to the satisfaction of the Arresting Officer subject to the following conditions:

(a) They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court.

(b) They shall not act in any manner which will be prejudicial to fair and expeditious trial.

(c) They shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

(d) The appellants and the surety shall submit a copy of their valid identity proof along with a colored postcard full-size photograph, which shall be verified by the trial Court.

(e) They shall not involve themselves in any offence of similar nature in future.

Sd/-
Rakesh Mohan Pandey
JUDGE

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