CGHC010358492026 2026:CGHC:43186

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9056 of 2026

- Rajat Sen @ Arsh S/o Anil Sen Aged About 19 Years R/o Front Of Shiv Temple, Matkodvapara, Changorabhata, P. S. D. D. Nagar, District - Raipur (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through Police Station - D. D. Nagar, District - Raipur (C.G.)

...Non-applicant

For Applicant	:	Mr. Pramod Kumar Navratna, Advocate
For Non-applicant	:	Mr. Sourabh Sahu, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order On Board

06.10.2026

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. 418/2026 registered at Police Station : D.D. Nagar, DIstrict : Raipur (C.G.), for the offence punishable under 309(4) of BNS, 2023.

2. According to the prosecution, on 07.07.2026, the complainant, Lucky Yadav, went to Changorbhata Market to purchase vegetables. At about 07:30 PM, two unidentified persons riding a scooter assaulted him and snatched his silver chain and mobile phone. On the basis of the complaint, the aforementioned offence was registered against unknown persons. During the course of the investigation, the police arrested the applicant and the co-accused and seized the stolen articles from their possession.

3. Learned counsel for the applicant submits that the applicant is innocent and he has falsely been implicated in this case on the basis of memorandum statements of co-accused person. He further submits that charge-sheet has been filed in this case before the competent Court and the applicant is in jail since 07.07.2026 and the trial is likely to take some time for its conclusion, therefore, he prays for grant of bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that in the present case, charge-sheet has been filed before the competent Court and stolen articles were recovered from the possession of present applicant. He further submits that the applicant has one active criminal antecedent of a similar nature arising out of an incident on the same date, and as such, the applicant is a habitual offender. Hence, he is not entitled to the grant of bail.

5. I have heard learned counsel for the parties and perused the case diary.

6. In the present bail application, the applicant has not disclosed criminal antecedents whereas learned State counsel has contended that applicant has 01 active criminal antecedent of similar nature arising out of an incident on the same date. The primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

- To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;

- To determine whether there is a habitual pattern of committing similar or grave offenses; and

- To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

The existence of 01 active criminal antecedent of an identical nature arising out of an incident on the same date underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

7. Also in light of the judgment rendered by the Supreme Court in ***Deepak Yadav v. State of Uttar Pradesh & Another***, reported in **(2022) 8 SCC 559**, wherein the Hon'ble Supreme Court had cancelled the bail granted to the accused therein on the ground

that the accused had previous antecedents, this Court is not inclined to extend the benefit of bail to the applicant.

8. Accordingly, the instant bail application is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

A j i n k y a

Digitally signed by AJINKYA PANSARE
Date: 2026.10.06 14:31:22 +0530