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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8853 of 2026

*** -** Shivgiri Barad Son Of Suresh Giri Barad, Aged About 29 Years Resident Of Village - Ward No. - 04 Navegaon, Post Murjha, District Garchiroli, Maharashtra.

... Applicant

Versus

*** -** The State Of Chhattisgarh Through The Station House Officer, Police Station Bande, District Uttar Bastar Kanker, Chhattisgarh.

... Non-Applicant

For Applicant	:	Mr. Punit Ruparel, Advocate
For Non-Applicant	:	Dr. Saurabh Pandey, Deputy Advocate General

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. 51/2026 registered at Police Station – Bande, District Uttar Bastar Kanker (C.G.), for the offences punishable under Sections 308(5), 318(4), 354 (2) & 61(2) of the BNS.

2. The prosecution case, in brief, is that on 25.06.2026, the complainant, namely Balram Sarkar, resident of P.V. 104 Deepganar, lodged a written report at Police Station Bande alleging that on 17.05.2026 at about 12:00 noon, an unknown person dressed as a Sadhu,

accompanied by a five-legged Nandi bull, came to his house and, after seeking donations and performing rituals, told him that gold was buried in his house and that unless the same was extracted, the illness of his family members would not be eradicated and he would not become wealthy. The said person provided his mobile number and instructed the complainant to purchase Swayam Sundari Bhasma worth Rs.52,000/-. Accordingly, the complainant went to Gadchiroli and, as instructed, purchased one gram of the said medicine from Maa Jamuna Ayurvedic Shop for Rs.52,000/-. Thereafter, on 02.06.2026, the said unknown person along with two other persons came to the complainant's house in a car and performed puja at midnight in the process of extracting the alleged gold and took out a small pot, which appeared to contain a gold biscuit, and sealed the same in a red cloth while threatening the complainant not to open it, stating that doing so would result in the death of a member of his family. The accused persons thereafter instructed the complainant to procure Nav Jeevan Amrit Bhasma, initially 5 grams and subsequently 2 grams, which the complainant purchased from the same shop for Rs.4,44,000/-, and further purchased other medicines and puja material, allegedly spending a total amount of approximately Rs.4,96,000/- towards the medicines and Rs.4,000/- towards puja material. When the complainant was subsequently pressured to purchase another 3 grams of the said medicine and was unable to arrange the money, he opened the sealed pot and found 21 gold- coloured idols, which upon rubbing were found to be made of brass. Thus, alleging that he had been induced and cheated by the unknown persons by falsely representing that gold was buried in his house and by threatening him with dire

consequences, the complainant lodged the written report, on the basis of which the FIR was registered against the owner/shopkeeper of Maa Jamuna Ayurvedic Shop and other unknown persons. The present applicant and other accused thereafter moved an application for regular bail before the Court below, which came to be rejected, and hence the bail application has been preferred before this Hon'ble Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant never compelled or insisted upon the complainant to purchase medicines or puja articles worth approximately Rs.5,00,000/- and that the complainant himself voluntarily agreed to perform the suggested puja for extraction of gold. Learned counsel submits that the complainant himself went to the shop and purchased Swayam Sundari Bhasma and Nav Jeevan Amrit Bhasma from the shopkeeper of Maa Jamuna Ayurvedic Shop and paid the entire amount to the shopkeeper, whereas not a single penny was received by the present applicant. It is further submitted that the applicant had merely suggested certain puja rituals for the well-being and healthier life of the complainant's family and had not obtained any money from him. Learned counsel further submits that the entire amount was paid by the complainant to the shopkeeper and, therefore, the applicant has no financial benefit from the alleged transaction. It is also submitted that the present applicant has no criminal antecedent and is first offender. It is further submitted that the applicant is in jail since 30.06.2026, the charge-sheet has already been filed and the trial is likely to take considerable time for its conclusion. He would further

contend that the co-accused persons namely- Liladhar Shivaji Waghmare, Bhola Pisaram Gavate, Mukesh Pisaram Soneshwar, Parmeshwar Pisaram Eknath and Dinesh Ishwar Soneshwar have already been enlarged on regular bail by the High Court vide order dated 31.08.2026 passed in MCRC No. 6972/2026, therefore, the present applicant may kindly be released on regular bail.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant, however, he submits that the applicant has no previous criminal antecedent.

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

6. Considering the overall facts and circumstances of the case, the nature and gravity of the offence alleged against the applicant, the period of detention, as the applicants is in jail since 30.06.2026, the fact that charge-sheet has already been filed before the competent Court, further the co-accused persons have already been enlarged on regular by the High Court and that the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.

7. It is directed that in the event of the applicant 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 the 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/her from disclosing such fact to the Court;

II. He shall not act in any manner which will be prejudicial to a 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 the disposal of the trial; and,

IV. He shall not involve himself in any offence of a similar nature in future.

8. The observation made in the course of this order is only for considering the case of the applicant on the application for the grant of regular bail. The concerned trial Court shall not be influenced or bound by any observation made in the course of this order.

9. Certified copy as per rules.

Sd/-
(Rakesh Mohan Pandey)
Judge

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