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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8461 of 2026

Rajesh Soni @ Raju S/o Late Narayan Prasad Soni Aged About 57 Years R/o Gaya Vihar, P.S. Sarkanda District- Bilaspur (C.G.)

--- **Applicant(s)**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda District- Bilaspur (C.G.)

--- **Non-applicant(s)**

For Applicant	:	Mr. Himanshu Sinha, Adv. through V.C.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

MCRC No. 9254 of 2026

Adarsh Sharma R/o Ramakant Sharma, Aged About 19 Years R/o M I G -103, Dindayal Colony Bahtarai, Lingiyadih, P.S. Sarkanda, Tehsil And District Bilaspur Chhattisgarh.

---**Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer Police Station P.S. Sarkanda, District Bilaspur Chhattisgarh.

--- **Non-applicant(s)**

For Applicant	:	Mr. Saksham Soni, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

MCRC No. 9014 of 2026

Smt. Khushbu Budhiya W/o Shri Abhishek Budhiya Aged About 42 Years R/o Near Doctor Meghani Clinic Juna Line, P.S. City Kotwali District-Bilaspur (C.G.)

---**Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer, Sarkanda District-Bilaspur (C.G.)

--- **Non-applicant(s)**

For Applicant	:	Mr. Pushpendra Singh Baghel, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

MCRC No. 9001 of 2026

Akash Jha S/o Pradeep Jha Aged About 18 Years R/o Gayatri Parisar, Mopka, Sarkanda, Thana Sarkanda, Bilaspur, Tehsil And District-Bilaspur (C.G.)

---**Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, District- Bilaspur (C.G.)

--- Non-applicant(s)

For Applicant	:	Mr. Rakesh Kumar Sahu, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

MCRC No. 8754 of 2026

Aditya Pandey S/o Hem Kumar Pandey, Aged About 19 Years R/o H.I.G.-24, Jagannath Puram Colony Rajkishore Nagar, Lingiyadih, District Bilaspur (C.G.)

---**Applicant(s)**

Versus

State Of Chhattisgarh Through Police Station Sarkanda District Bilaspur (C.G.)

--- **Non-applicant(s)**

For Applicant	:	Mr. Mateen Siddiqui, Senior Advocate along with Mr. Danish Ahmad Siddiqui, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

MCRC No. 8626 of 2026

Ayush Yadav S/o Dharmendra Yadav Aged About 20 Years R/o H.I.G.-24 Jagannath Puram Colony, Rajkishore Nagar, Lingiyadih, District-Bilaspur (C.G.)

---**Applicant(s)**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-Sarkanda, District- Bilaspur (C.G.)

--- **Non-applicant(s)**

For Applicant	:	Mr. Goutam Khetrapal, Advocate.
For Non-applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.

Hon'ble Shri. Rakesh Mohan Pandey, Judge

Order on Board

07/10/2026

1. Since all these bail applications are the first bail application of the respective applicants, arising out of similar incidents registered at Police Station Sarkanda, District- Bilaspur, though under different offences, they are being heard and decided by this common order.

2. The relevant particulars with respect to each applicant in the bail applications are as under:

M.Cr.C.No.	Name of the Applicant	Police Station	Crime Number	Offence under Sections	Date of Arrest
8461/2026	Rajesh Soni @ Raju	Sarkanda	1122/2026	308(5), 296, 351(3) and 3(5) of BNS.	05.08.2026
8626/2026	Ayush Yadav	-do-	-do-	308(5), 296, 351(3) and 3(5) of BNS.	02.08.2026
8754/2026	Aditya Pandey	-do-	-do-	308(5), 296, 351(3) and 3(5) of BNS.	02.08.2026
9001/2026	Akash Jha	-do-	-do-	308(5), 296, 351(3), 317(4) and 3(5) of BNS.	05.08.2026
9014/2026	Smt. Khushbu Bhudhiya	-do-	-do-	308(5), 296, 351(3), 317(4) and 3(5) of BNS.	05.08.2026
9254/2026	Adarsh Sharma	-do-	-do-	308(5), 296, 351(3), 317(4) and 3(5) of BNS.	02.08.2026

3. Case of the prosecution, in brief is that, on 01.08.2026, the complainant, namely, Devi Prasad Singh, lodged a written report at Police Station Sarkanda, District Bilaspur (C.G.), stating that his granddaughter, namely, Sameeksha Singh, is a student of Class XII at Loyola School, Bilaspur. As she was intelligent and trustworthy, the complainant used to entrust her with household work, banking transactions, purchasing of ration and handling of money. His passbook, ATM card and the keys of the almirah and

locker were also within her knowledge. Whenever required, Sameeksha Singh used to handle the jewellery kept by the complainant. It was further stated in the report that the complainant's other granddaughter, namely, Pratiksha Singh, informed him that Sameeksha Singh was in telephonic contact and WhatsApp communication with accused persons namely Ayush Yadav, Prince Sahu, Adarsh Sharma and Priyam Sharma. On being questioned by the complainant, Sameeksha Singh allegedly disclosed that the aforesaid persons, in furtherance of their common intention, had, from January 2025 till the date of the report, threatened the family members with death and had also created fear by threatening to stab her cousin sister, Shubhechha Singh with a knife and thereby got an amount of approximately Rs.14.50 lakh withdrawn from the bank accounts of the complainant and his wife through ATM transactions and also obtained money through online transactions by PhonePe, besides approximately 450 grams of gold jewellery.

On the basis of the aforesaid report, an offence under Sections 308(5), 296, 351(3) and 3(5) of the BNS was registered against the accused persons. During investigation, statements of the complainant and the victim were recorded. During the course of investigation, accused persons Ayush Yadav, Prince Sahu, Adarsh Sharma and Aditya Pandey were taken into custody and, upon interrogation, their memorandum statements were recorded, wherein they allegedly disclosed that the gold jewellery received by Ayush Yadav was sold at throwaway prices, without bills and with

excessive deduction, to jewellers namely Rajesh Soni, Divya Jewellers and Khushboo Budhiya Jewellers and that they received commission from the sale proceeds. During further investigation, on the basis of the memorandum statement of applicant/accused Rajesh Soni, one lump of yellow-coloured metal resembling gold, weighing approximately 60 grams and valued at about Rs.6 lakh, was seized from his possession. Thus, the aforesaid offence was registered and the investigation was carried out against the accused persons in accordance with law.

4. Learned counsel appearing for the respective applicants, in their respective submissions, would submit that the applicants are innocent and have been falsely implicated in the present case. Learned counsel appearing for applicant-Rajesh Soni would submit that the name of the applicant does not find mention either in the FIR or in the original written complaint and that he has been arrested merely on the basis of suspicion, without any credible evidence linking him with the alleged offence. It is further submitted that no jewellery was purchased by the applicant from any of the named accused persons and that the applicant, being the owner of Divya Jewellers situated at Main Road, Sarkanda, Bilaspur, is engaged in the business of sale and purchase of gold articles. It is also submitted that out of three criminal antecedents of the applicant, two have resulted in acquittal and only one case is pending against him and that he is in jail since 05.08.2026. Accordingly, he prays for grant of bail.

5. Learned senior counsel appearing for applicant-Aditya Pandey

would submit that the name of the applicant does not find mention either in the FIR or in the original complaint and that he has been implicated mainly on the basis of the memorandum statement of a co-accused, with no independent material showing his involvement in the alleged offence. It is submitted that the role attributed to the applicant is limited to that of a friend/mediator, who allegedly helped in finding a person willing to purchase the gold ornaments and facilitated the sale thereof and there is no allegation that he himself threatened, abused or intimidated the victim or any member of her family, or demanded money or jewellery from them. It is further submitted that no amount of the alleged misappropriated amount has been recovered from his possession, he is in jail since 02.08.2026 and has only one criminal antecedent, which has been explained in Part-D of the bail application. Accordingly, he prays for grant of bail.

6. Learned counsel appearing for applicant-Ayush Yadav would submit that the applicant is a student pursuing his studies and that the alleged transactions of money and sale of gold ornaments are matters of evidence which are required to be established during trial. It is further submitted that out of six criminal antecedents of the applicant, two have resulted in acquittal, two have been disposed of, one has been compromised and only one case is pending, which has already been explained in Part-D of the bail application. Accordingly, he prays for grant of bail.

7. Learned counsel appearing for applicant-Akash Jha would submit that the applicant was neither named in the FIR nor in the original

written complaint dated 01.08.2026 and that no specific overt act or allegation was attributed to him at the inception of the prosecution. It is submitted that his implication is based primarily upon the disclosure/memorandum statements of co-accused persons and that no incriminating gold ornaments or articles allegedly extorted from the complainant's granddaughter were recovered from his possession. The alleged recovery of Rs.34,000/- is also stated to be insufficient to establish his involvement in the alleged offence. It is further submitted that the applicant is a student aged about 18 years, has only one criminal antecedent which has been explained in Part-D of the bail application and has been in jail since 05.08.2026. Accordingly, he prays for grant of bail.

8. Learned counsel appearing for applicant-Smt. Khushbu Bhudhiya would submit that her name does not find mention either in the original written complaint or in the FIR and that no specific overt act, role or allegation was attributed to her at the inception of the prosecution. It is submitted that her implication is primarily based upon the memorandum statements of co-accused persons and that no incriminating material was recovered from her personal possession. It is further submitted that the material relied upon by the prosecution was seized from her jewellery shop and relates to the property of the shop and that the charge-sheet does not conclusively identify the seized yellow-coloured material as gold. He would further submit that the applicant, being a lady, is in jail since 05.08.2026 and has only one criminal antecedent, which has already been explained in Part-D of the bail application. It is also

submitted that she was actually taken into custody on 04.08.2026 after sunset and was kept in police custody till midnight, whereas her formal date of arrest has been shown as 05.08.2026, without disclosure of any exceptional circumstance or prior permission of the Magistrate as contemplated under Section 43(5) of the BNSS, 2023.

9. Learned counsel appearing for applicant-Adarsh Sharma would submit that the allegations against the applicant are yet to be established by way of evidence during trial and that the alleged seizure of jewellery, cash and mobile phone from him is a matter of evidence and cannot, by itself, be treated as conclusive proof of his involvement. It is further submitted that the complainant's granddaughter is a friend of the applicant and that the complainant, being aggrieved by their friendship and having forbidden the applicant from meeting her, has falsely implicated him in the present case. He would further submit that although the alleged incident commenced on 01.01.2025, the FIR was registered only on 01.08.2026, resulting in a substantial delay of approximately one year and seven months, which has not been satisfactorily explained. It is also submitted that the amount allegedly transferred from the bank accounts of the complainant and his wife was handed over by Sameeksha Singh of her own free will and without any threat, intimidation or coercion by the applicant. It is further submitted that the applicant is a first-time offender, has no criminal antecedents and is in jail since 02.08.2026. On the strength of the aforesaid submissions, learned counsel for the respective

applicants pray for grant of bail to the applicants.

10. On the other hand, learned State counsel would oppose the prayer for grant of bail to the respective applicants and submit that the allegations against the applicants are serious in nature and their roles are specifically attributed in the prosecution case. So far as applicant/accused-Rajesh Soni @ Raju is concerned, he is alleged to be a purchaser of the gold articles obtained by the co-accused and pursuant to his memorandum statement, one gold-like yellow metal lump (rava/gutka) weighing about 60 grams, valued at approximately Rs.6 lakh, has been seized from his possession. It is further submitted that the applicant has one criminal antecedent. So far as applicant/accused-Ayush Yadav is concerned, he is one of the principal accused persons and was involved in threatening the minor victim and demanding cash and money transfers through PhonePe. The victim was also allegedly threatened that her uncle had been tied and that her family members would be killed in an accident. It is further alleged that Ayush Yadav used to take the gold jewellery kept in the locker of the almirah. Learned State counsel would further submit that six criminal antecedents have been reported against the applicant, as disclosed in the bail application and that he is a habitual offender. Apart from the aforesaid allegations, one Activa, two rings, one chain and cash amounting to Rs.20,000/- have been seized from his possession. In respect of applicant/accused-Aditya Pandey, he acted as a mediator for the co-accused and facilitated the sale of the gold ornaments, though no seizure has been made from his possession.

It is further submitted that he has one criminal antecedent, i.e. Crime No.373/2026. So far as accused-Prince Sahu is concerned, he is also one of the main accused persons and the allegations against him are similar to those levelled against accused-Ayush Yadav, including threatening the minor victim and obtaining money and gold ornaments from her under threat and intimidation. Cash amounting to Rs.10,000/- has also been seized from his possession. However, learned Sr. counsel appearing for accused-Prince Sahu has prayed for withdrawal of his bail application and, accordingly, the said bail application has been dismissed as withdrawn. In respect of applicant/accused-Akash Jha, learned State counsel would submit that he is alleged to have sold the gold ornaments to Smt. Khushbu Budhia and received an amount of Rs.60,000/- as commission and cash amounting to Rs.34,000/- has been seized from his possession. It is further submitted that he has one criminal antecedent, i.e. Crime No.1234/2020, registered at Police Station Sarkanda. So far as applicant/accused-Smt. Khushbu Budhia is concerned, she is alleged to have purchased the gold ornaments involved in the present offence and that she has one criminal antecedent, i.e. Crime No.373/2026. Lastly, in respect of applicant/accused-Adarsh Sharma, he is also one of the principal accused persons and the allegations against him are similar in nature to those levelled against accused-Ayush Yadav. One ring, one chain and cash amounting to Rs.10,000/- have been seized from his possession. However, he has no previous criminal antecedents. Learned State counsel, therefore, submits that

considering the specific allegations, the recoveries effected from the respective applicants and the criminal antecedents of some of them, the applicants are not entitled to the benefit of bail.

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

12. Having considered the facts and circumstances of the case, submissions advanced by learned counsel for the respective parties, allegations levelled against the applicants and the material available on record, so far as applicants namely **Ayush Yadav** and **Adarsh Sharma** are concerned, this Court finds that the allegations against them are serious in nature and their role appears to be more direct in the alleged commission of the offence. The prosecution case, prima facie, indicates that applicant-Ayush Yadav was actively involved in threatening the minor victim and compelling her to arrange and transfer money through PhonePe, besides allegedly threatening her with dire consequences to herself and her family members and taking away gold jewellery kept in the locker of the almirah. The allegation against applicant-Adarsh Sharma is also of similar nature and he has been attributed a role as one of the principal accused persons in the alleged transaction. Further, from the respective applicants, recoveries of incriminating articles have been effected, including two rings, one chain, an Activa and cash amounting to Rs.20,000/- from applicant-Ayush Yadav, and one ring, one chain and cash amounting to Rs.10,000/- from applicant-Adarsh Sharma. It is also relevant to note that applicant-Ayush Yadav has six criminal antecedents, as disclosed

in the bail application, and the said antecedents indicate his repeated involvement in criminal cases, whereas applicant-Adarsh Sharma has no previous criminal antecedent. However, considering the nature of allegations, the specific role attributed to them, the alleged recovery of articles connected with the offence and the material collected during investigation, at this stage, this Court is of the considered opinion that their cases stand on a different footing from the other applicants. The allegations against them require further consideration during trial and their release on bail at this stage may not be justified. Accordingly, having regard to the overall facts and circumstances of the case, this Court is not inclined to extend the benefit of bail to applicants-Ayush Yadav and Adarsh Sharma.

13. Accordingly the bail applications filed by the applicants- Ayush Yadav and Adarsh Sharma, is hereby **rejected**.

14. So far as applicants namely **Rajesh Soni @ Raju, Aditya Pandey, Akash Jha** and **Smt. Khushbu Bhudhiya** are concerned, having regard to the nature of allegations and the role attributed to each of them, this Court finds that their cases stand on a different footing from applicants-Ayush Yadav and Adarsh Sharma. Applicant-Rajesh Soni @ Raju is alleged to be a purchaser of the gold articles and the prosecution case against him is primarily based upon the alleged purchase of the gold article from the co-accused. Though one gold-like yellow metal lump weighing about 60 grams has been seized from him, the material on record, at this stage, does not disclose his direct involvement in

the alleged act of threatening or extorting money or gold ornaments from the victim. It is also submitted that his name does not find mention in the FIR or in the original complaint. Applicant-Aditya Pandey is alleged to have acted as a mediator and to have facilitated the sale of the gold ornaments, but no incriminating article or amount has been seized from his possession and there is no allegation that he himself threatened or intimidated the victim or demanded money or jewellery from her. Applicant-Akash Jha is alleged to have facilitated the sale of the gold ornaments to Smt. Khushbu Bhudhiya and to have received Rs.60,000/- as commission and cash amounting to Rs.34,000/- has been seized from him, however, there is no allegation that he directly participated in threatening or intimidating the victim or in obtaining the alleged money and jewellery from her. Similarly, applicant-Smt. Khushbu Bhudhiya is alleged to have purchased the gold ornaments and the material against her primarily relates to the alleged transaction of purchase of the said ornaments. Her name also does not find mention in the original written complaint or FIR and no incriminating article has been shown to have been recovered from her personal possession, the alleged material having been seized from her jewellery shop. It is also relevant that the applicants have remained in custody for considerable period. The alleged transactions, the nature of the seized articles and the respective roles attributed to these applicants are matters which can be duly established during the course of trial. The investigation has substantially progressed and the applicants are no longer

required for custodial interrogation. Without expressing any opinion on the merits of the case, considering the nature of allegations, the period of custody, the respective roles attributed to them and the overall material available on record, this Court is of the considered opinion that the aforesaid applicants deserve to be enlarged on bail.

15. Accordingly, the bail applications of the applicants**- Rajesh Soni @ Raju, Aditya Pandey, Akash Jha** and **Smt. Khushbu Bhudhiya are allowed**. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail on the following conditions:-

(i) 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 them from disclosing such fact to the Court;

(ii) they shall not act in any manner which will be prejudicial to fair and expeditious trial, &

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

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal