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CGHC010372572026 2026:CGHC:44118

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9059 of 2026

1 - Irfan Ali S/o Akram Ali, Aged About 32 Years R/o Jhalmala Tikripara, Police Station - Seepat, District Bilaspur (C.G.)

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through S.H.O. Police Station Kamleshwarpur, District Surguja (C.G.)

... Respondent(s)

For Applicant	:	Shri Ashish Gangwani, Advocate
For Non-Applicant	:	Ms. Monika Thakur, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey
Order on Board

12/10/2026

1. The applicant has preferred this first bail application under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.11/2026 registered in Police Station – Kamleshwarpur, District Surguja (CG) for commission of offence punishable under Sections 303(2), 112(2) & 111 of BNS.

2. As per the prosecution case, on 15.02.2026, the complainant, Rakesh Choubey, lodged an F.I.R. alleging that his Passion Pro motorcycle bearing registration No. CG-15-DF-1358, which was parked at his house in Village Pathrai, had been stolen during the intervening night of 13th and 14th February, 2026. On the basis of the said complaint, the police registered the aforesaid offence against the present applicant.

3. Learned counsel appearing for the applicant would submit that the applicant is innocent and has been falsely implicated in the case. He would further submit that the charge-sheet has already been filed and that the applicant has been in jail since 25.02.2026. It is further submitted that the applicant has three criminal antecedents, in one of which he has already been granted bail. He would, therefore, pray that the instant bail application be allowed.

4. On the other hand, learned Panel Lawyer appearing for the State/non-applicant would submit that an Eeco car was stolen by the present applicant on 17.02.2026, as alleged in M.Cr.C. No. 8912 of 2026, and was subsequently used in the commission of offences punishable under Sections 126(2), 109, 309(6), 311, 61(2), 310, 111 and 238 of the Bharatiya Nyaya Sanhita, 2023 (BNS), and Sections 25 and 27 of the Arms Act. It is further submitted that, on 17.02.2026, at about 9:15 p.m., the said stolen Eeco car was used in committing a robbery in which gold ornaments weighing approximately 2.200 kilograms, 350 grams of raw gold, 100 grams of fine gold and cash amounting to Rs. 3,50,000/- were looted from the victim, Vivek Tiwari, who was engaged in the business of gold and silver ornaments. In the present case, the

applicant allegedly stole a Passion Pro motorcycle bearing registration No. CG-15-DF-1358. It is further submitted that, during the investigation, it was revealed that the vehicle used in the commission of the robbery was the same Eeco car that had been stolen on 17.02.2026. It is also contended that Vivek Tiwari was assaulted with the butt of a pistol and an iron rod, resulting in injuries. Learned Panel Lawyer would further submit that, in the said crime, i.e., Crime No. 219/2026, the applicant was granted bail in M.Cr.C. No. 7381/2026 on the grounds that his name was not mentioned in the F.I.R. and that no test identification parade had been conducted. Learned Panel Lawyer would further submit that another case, registered as Crime No. 95/2026, was instituted against the present applicant on 17.02.2026, alleging the theft of an Eeco car. She would submit that, in his memorandum statement, the applicant admitted to having committed the theft of both vehicles. It is further contended that the applicant has three subsisting criminal antecedents and, therefore, the instant bail application deserves to be rejected.

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

6. Having considered the facts and circumstances of the case, particularly the allegation that the Passion Pro motorcycle bearing registration No. CG-15-DF-1358 was stolen during the intervening night of 13th and 14th February, 2026, and that the applicant was subsequently implicated in a case in Crime No.95 of 2026 involving the commission of serious offences, including attempt to murder and robbery, along with other co-accused persons, as well as the fact that he was arrested in

Crime No. 95/2026, it is relevant to note that the applicant was granted bail in M.Cr.C. No. 7381/2026 on the grounds that he was not named in the F.I.R. and that no test identification parade had been conducted. However, in another criminal case (Crime No.95 of 2026) registered on 17.02.2026 for offences punishable under Sections 303(2), 112(2) and 3(5) of the BNS, the applicant was arrested on 24.02.2026.

7. Taking into consideration the criminal antecedents of the present applicant, the motive for which the vehicles were stolen, I am not inclined to release the applicant on regular bail. Accordingly, the bail application of the present applicant is **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Nimmi