CGHC010382012026 2026:CGHC:45122

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9374 of 2026

Gopi Sagar S/o Vikram Sagar Aged About 29 Years At Nehru Nagar, Near Utkal Samudaiik Bhawan Gali, P/s City Kotwali, District Raipur Chhattisgarh

... Applicant

Versus

State Of Chhattisgarh Through S H O P.S. Saraswati Nagar, District Raipur Chhattisgarh

... Respondent(s)

For Applicant	:	Mr. Vinay Nagdev, Advocate
For Non-Applicant	:	Ms. Monika Thakur, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

26.10.2026

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. 141 of 2026 registered at Police Station: Saraswati Nagar, District: Raipur (C.G.) for the offence punishable under Sections 305 and 3(5) of BNS.

2. As per the prosecution story, on 04.07.2026, the complainant, Vishal Kumar Chandrawanshi, lodged an FIR bearing Crime No. 141/2026 under Section 305 of the Bharatiya Nyaya Sanhita (BNS), alleging that his Yamaha R15 motorcycle bearing registration No. CG04NN2744 had been stolen by an unknown person. During the course of the investigation, the police apprehended the co-accused, Suryakant alias Surya, on 06.07.2026, and recorded his disclosure/memorandum statement, pursuant to which the stolen motorcycle was seized from his exclusive possession and the present applicant was also arrested on the basis of his memorandum statement.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the applicant has no direct involvement in the alleged commission of the offence and that his implication in the present case is primarily based on the memorandum statement of the co-accused, Suryakant alias Surya. Learned counsel further submits that the stolen motorcycle was recovered from the possession of the co-accused and not from the present applicant. It is also submitted that the applicant was arrested nearly two months after the recovery of the alleged stolen motorcycle. Learned counsel further points out that the charge-sheet has not yet been filed and, therefore, the applicant deserves to be enlarged on bail. On these grounds, it is prayed that the application be allowed.

4. Per contra, learned counsel for the State vehemently opposes the prayer for bail and submits that the applicant has a total of five criminal antecedents, out of which he has been acquitted in one case. Thus, four criminal cases remain against the applicant. It is contended that the criminal antecedents of the applicant are relevant considerations

while examining his prayer for bail. Accordingly, learned counsel for the State submits that, considering the criminal antecedents of the applicant and the material available on record, the applicant does not deserve the benefit of bail, and the application is liable to be rejected.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

6. Having considered the rival submissions and upon perusal of the case diary, it appears that the present applicant has four subsisting criminal antecedents, as he has been acquitted in one of the five cases registered against him. The criminal antecedents of the applicant constitute a relevant factor while considering the prayer for bail. Having regard to the nature of the allegations, the material available in the case diary, and particularly the criminal antecedents of the applicant, this Court is not inclined to extend the benefit of bail to him at this stage. Consequently, no ground is made out for allowing the present application.

7. Accordingly, the bail application is rejected.

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Saurabh