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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9382 of 2026

REKHA SINGH Digitally signed by REKHA SINGH DN: cn=REKHA SINGH, ou=HIGH COURT, o=HIGH COURT OF CHHATTISGARH, st=Chhattisgarh, c=IN Date: 2026.10.08 14:21:09 +0530

1 - Kamal Jangde S/o Derharam Jangde Aged About 43 Years R/o Satnami Para, Police Station Kurud, Distt- Dhamtari (C.G.)

...Applicant

versus

1 - State Of Chhattisgarh Through Police Station Civil Lines Raipur, Distt- Raipur (C.G.)

... Non-applicant

For Applicant	:	Mr. Anmol Gupta, Advocate
For Non-applicant	:	Mr. Keshav Gupta, GA

Hon’ble Shri Justice Rakesh Mohan Pandey

Order On Board

08.10.2026

1) This is the Second bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 517/2025, registered at Police Station Civil Lines Raipur, District Raipur (CG) for the offence punishable under Sections 303(2), 317(2) & 3(5) of

BNS. Earlier first bail application of the applicant bearing MCRC No.5461 of 2026 was rejected on merits vide order dated 22.06.2026.

2) The prosecution case, in brief, is that the complainant lodged an FIR against unknown persons regarding theft of his Activa scooty parked at the Red Cross Office, Multilevel Parking, Raipur. It is alleged that, upon interception by the Civil Lines, Raipur Police, the applicant disclosed in his memorandum statement that he had been involved in the theft of Activa scooters at different places for the last two years and had committed theft of approximately 36 two-wheelers. On the basis of the aforesaid information, FIR(s) were registered against him. Thereafter, the applicant was arrested in connection with the aforesaid offence. Hence, the present bail application.

3) Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. It is contended that the applicant is not named in the FIR and the FIR is against an unknown person. It is further submitted that the prosecution case against the applicant rests solely on the memorandum statement of a co-accused, which, by itself, has no evidentiary value. It is argued that seizure witnesses have been examined and they have not supported the case of the prosecution. He would submit that the applicant has only one criminal antecedent of a similar nature, which has been duly explained in Part-D (Criminal Antecedents) of the present bail application. He would further submit that earlier first bail application of the applicant was rejected on merits in MCRC No. 5461 of 2026 vide order dated 22.06.2026. He would further submit that the applicant is in jail since 24.01.2026, therefore, he prays for grant of bail to the present applicant.

4) On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. He would further submit that the applicant is involved in the theft of 37 Activa two-wheelers and has one criminal antecedent of a similar nature which is pending consideration before the learned Trial Court. He would contend that the first bail application of the applicant was rejected on merits and there is no substantial change in circumstances warranting reconsideration of the prayer for bail. Therefore, the applicant is not entitled to be enlarged on bail.

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

6) It is a well-settled principle of law that, while considering a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of the witnesses are matters to be assessed by the learned Trial Court during the course of trial.

7) In the present bail application, the applicant has disclosed one criminal antecedent, which is pending consideration before the learned Trial Court. Nonetheless, the primary objectives of examining an accused person's criminal antecedents during bail proceedings are:

(i) To assess the likelihood of compliance with bail conditions and ensure the accused will not flee or jump bail;
(ii) To determine whether there is a habitual pattern of committing similar or grave offenses; and
(iii) To evaluate the risk of evidence tampering, obstruction of the ongoing investigation, or witness intimidation.

The existence of one pending criminal antecedent of an identical

nature underscores a persistent pattern of offending, raising a grave apprehension of offense repetition if he is enlarged on bail.

8) Having considered the fact that the applicant has one criminal antecedent pending consideration before the learned Trial Court and further considering the fact that his first bail application was rejected on merits by a detailed order passed in M.Cr.C. No. 5461 of 2026, this Court is of the considered view that no change in circumstances has been shown so as to take a different view from the one taken earlier. Therefore, this Court is not inclined to grant bail to the present applicant. Accordingly, the bail application is **rejected.**

Sd/-

(Rakesh Mohan Pandey)
JUDGE

Rekha