CGHC010384742026 2026:CGHC:43158

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 9407 of 2026**

**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**

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

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**06.10.2026**

**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. 575/2025, 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.5423 of 2026 was rejected on merits vide order dated 22.06.2026.

**2)** As per the prosecution story, the complainant lodged an FIR against an unknown person regarding theft of his Activa scooter parked in front of the Court premises. During investigation, the applicant was intercepted by Police Station Civil Lines, Raipur, and his disclosure/memorandum statement revealed his involvement in the theft of approximately 36 Activa scooters at various places. 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 six criminal antecedents of similar nature, which are pending consideration before the learned Trial Court. He would further contend that all such antecedents have 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. 5423 of 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 has six criminal antecedents 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 six criminal antecedents, which are 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 six pending criminal antecedents 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 six criminal antecedents 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. 5423 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