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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9459 of 2026

- Mohammad Rajjak S/o Farid Quraishi Aged About 21 Years R/o 230, Ward No. 19, Musalman Mohalla, Korba Town Tahsil / Distt- Korba (C.G.)

... Applicant

versus

- The State Of Chhattisgarh Through The S H O, Chauki- C S E B, Police Station Civil Line Rampur, Distt- Korba (C.G.)

... Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For Non-Applicant	:	Mr. Akash Agrawal, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28.10.2026

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. 612/2025 registered at Police Station : Civil Line, District : Korba (C.G.) for the offence punishable under Sections 309(6) and 3(5) of Bhartiya Nyaya Sanhita, 2023.

2. The prosecution story in brief is that on 05.10.2025, the complainant was assaulted and robbed of a mobile phone and a

silver chain by the applicant and two other persons. On the same date, the complainant lodged an FIR against the co-accused, Prem Kumar. The name of the present applicant surfaced in the memorandum statement, and he was arrested by the police on 14.08.2026.

3. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case only on the basis of the memorandum statement of the named accused person whereas he did not participate in the commission of the afore-stated offence. He further submits that applicant has one previous criminal antecedent u/s 36(f) of Excise Act. He also submits that charge-sheet has been filed and applicant is in jail since 14.08.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.

4. On the other hand, the learned State counsel opposes the bail application of the present applicant and submits that his name surfaced in the memorandum statement of the named accused person and Rs. 100/- was seized from his possession, therefore, the applicant is not entitled to the grant of regular bail.

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

6. It appears that applicant has one previous criminal antecedent u/s 34(f) of Excise Act and Rs. 100/- was seized from his possession.

However, applicant was not initially named in the FIR but his name surfaced during the course of investigation in the memorandum statement of the named accused person. Also considering the fact that applicant has been in jail since 14.08.2026 and the charge-sheet has been filed before the competent Court, the trial is likely to take sometime for its conclusion, I am of the opinion that the applicant is entitled to be released on bail in this case.

7. It is directed that in the event of the applicant executing a personal bond for a sum of **Rs. 50,000/-** to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(a) he shall make himself available for interrogation by the police officer as and when required;

(b)he 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 him from disclosing such fact to the Court; and

(c) he shall not act in any manner which will be prejudicial to a fair and expeditious trial.

The observation made hereinabove is for the purpose of deciding this bail application only, the learned trial Court shall decide the case on its own merits.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Ajinkya