CGHC010398512026 2026:CGHC:46710

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9602 of 2026

Sheikh Rasid S/o Sheikh Sagir Aged About 29 Years R/o Bhairav Basti, Sharda, Para, Camp 02, Bhilai, Tehsil And District Durg Chhattisgarh. **... Applicant**

versus

State of Chhattisgarh Through Police Station Jamul, District Durg Chhattisgarh. **... Non-Applicant**

For Applicant	:	Mr. Virendra Kashyap, Advocate
For Non-Applicant/State	:	Ms. Monika Thakur, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04/11/2026

1. This is the First Bail Application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 314/2026, registered at Police Station Jamul, District Durg (C.G.), for offences punishable under Sections 331(4), 305, and 111 of the Bharatiya Nyaya Sanhita, 2023.

2. As per the case of the prosecution, on 24.04.2026, the complainant Dev Singh Thapa, residing at C-320, Amrapali Vananchal City, Bhilai, locked his house and left for Jharsuguda (Odisha) along with his family. On 28.04.2026, the complainant's brother discovered that the house had been broken into and ransacked. Several silver articles, Rs. 80,000/- in

cash, a wristwatch, handbags, a Khukri, and two old mobile phones were found missing/stolen. Consequently, an FIR was lodged against unknown persons under Sections 331(4) and 305 of the BNS. During the course of investigation, Section 111 of the BNS was added. The complicity of the present applicant, Sheikh Rasheed, surfaced pursuant to the memorandum statement of co-accused Arjun Singh regarding transaction of the stolen silver ornaments. At the instance of the applicant, a Vivo mobile phone valued at Rs. 10,000/- was seized, and he was arrested on 12.05.2026.

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 was not named in the initial FIR, which was registered against unknown persons, and there is no direct evidence or eyewitness account attributing house-breaking to the applicant. The implication rests entirely upon the memorandum statement of a co-accused. Learned counsel further argues that the FIR mentions theft of two old keypad mobile phones without SIM cards, whereas the police have shown recovery of a Vivo mobile phone from the applicant, the nexus of which has not been established. It is also submitted that out of seven criminal antecedents, five cases have already been disposed of/acquitted and only two cases are pending, and mere registration of cases cannot be treated as a proof of guilt. He also seeks parity on the ground that the co-accused has already been enlarged on bail. Since the charge-sheet has already been filed and the applicant has been in judicial custody since 12.05.2026, no fruitful purpose would be served by his continued incarceration; hence, he may be enlarged on bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the bail application and submitted that the applicant is a habitual offender involved in organized criminal activity, for which Section 111 of the BNS has specifically been invoked. It is further

submitted that the applicant carries as many as seven criminal antecedents of similar nature, showing his continuous criminal conduct. A mobile phone was also seized pursuant to his memorandum statement. Given his criminal background, there is a strong apprehension of his repeating the offence, tampering with witnesses, or absconding if released on bail, therefore, the applicant does not deserve to be enlarged on bail.

5. Heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case, the nature and gravity of the allegations, particularly that the offence involves house-breaking, theft, and organized crime punishable under Section 111 of the BNS, the recovery of article effected from the applicant, and especially taking note of the previous criminal background of the applicant, who has seven criminal antecedents indicating that he is a habitual offender, this Court is of the opinion that looking to the nature of allegations and past conduct of the applicant, it is not a fit case to enlarge the applicant on bail. Accordingly, the bail application filed under Section 483 of the BNSS is hereby **rejected**.

Sd/-

Rakesh Mohan Pandey
JUDGE

Nadim