NIRMALA
RAO

CGHC010398672026 2026:CGHC:46926

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9809 of 2026

1 - Mohammed Fazil S/o Sultan Ahmad Aged About 38 Years At Dda Plot No. 147/13, Kabir Nagar, P. S. Kabir Nagar, Raipur, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Sho P. S. Kabir Nagar, District- Raipur Chhattisgarh.

... Respondent(s)

For Applicant	:	Shri Lukesh Kumar Mishra, Advocate.
For Non-applicant/State	:	Shri Dharmesh Shrivastava, Dy.A.G.
For Objector	:	Shri Divyanand Patel, Advocate alongwith Shri Q. Aziz, Advocate.

HON'BLE SHRI JUSTICE RAKESH MOHAN PANDEY

Order on Board

05/11/2026

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.132/2026 registered at Police Station Kabir Nagar, District Raipur (C.G.), for the offence punishable under Sections 316(4) & 318(4) of

BNS.

2. The case of the prosecution, in brief, is that on 4.6.2026, the complainant lodged a written report at Police Station Kabir Nagar, Raipur, alleging that he is engaged in the wholesale trading of truck spare parts under the name and style of M/s. Indian Motors. The present applicant was working as a Manager in the said firm. It is further alleged that the present applicant, along with co-accused Sarvar Khan @ Chunmun and Kainath Khan, in furtherance of their common intention, dishonestly misappropriated truck spare parts worth Rs. 14,37,226/-. It is also stated that, when the complainant came to know about the said misappropriation, he lodged an FIR.

3. Learned counsel for the applicant would contend that a sum of Rs. 4,00,000/- has already been refunded by Kainath Khan; that the applicant has been falsely implicated in the case; that the charge-sheet has been filed; that he has been in jail since 5.7.2026; that he has no criminal antecedents; and that the offences registered against him are triable by the Judicial Magistrate First Class. He would further submit that the trial may take some time to conclude. Therefore, learned counsel prays that the applicant be enlarged on regular bail.

4. On the other hand, learned counsel for the State as well as the objector would oppose the bail application and submit that the present applicant is the main culprit, who sold the truck spare parts belonging to the complainant from his shop. They would contend that the involvement of the present applicant is clearly evident from the documents placed along with the charge-sheet. It is also contended that the wife of the applicant has refunded a sum of Rs. 4,00,000/-. They would submit that, having regard to the seriousness of the

offences, the bail application deserves to be rejected.

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

6. Having considered the fact that the applicant was an employee of the complainant; that, as per the GST returns, the total sales of the complainant's shop were Rs. 5,19,000/-; that the charge-sheet has been filed; that the applicant has been in jail since 5.7.2026; and that he has no criminal antecedents, and without commenting on the merits of the case, I am inclined to allow the bail application. Accordingly, the bail application is allowed.

7. Let the applicant be released on bail on his furnishing a personal bond in sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) 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;
(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &
(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

The observations made in the course of this order are only for considering the case of the applicants on the application for grant of regular bail. The concerned trial Court shall not be influenced or bound by the observations made in the course of this order.

Sd/-
(Rakesh Mohan Pandey)
JUDGE

Nimmi