CGHC010399832026 2026:CGHC:46059

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9756 of 2026

1 - Bhojdatt @ Rahul Sahu S/o Shri Tukaram Sahu Aged About 25 Years R/o Village - Achholi, Police Station - Tumgaon, District Mahasamund Chhattisgarh **... Applicant(s)**

versus

1 - State Of Chhattisgarh Through Officer In-Charge, Police Station - Tumgaon, District Mahasamund Chhattisgarh

... Respondent(s)

For Applicant (s)	:	Mr. Pawan Kesharwani, Advocate
For Respondent(s)/State	:	Ms. Priya Sharma, P.L.

Hon'ble Mr. Justice Rakesh Mohan Pandey

Order on Board

30.10.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 77/2026, registered at Police Station Tumgaon, District Mahasamund (C.G.) for the offence punishable under Sections 305A, 331(4) and 317(2) of BNS.

2. The case of the prosecution, in brief, is that on 06.06.2026, the present applicant, along with four other accused persons, committed robbery and looted a sum of Rs. 10,26,500/- from the complainant, Sravan Sahu, who was working at H.P. Gas Agency, Raipur. The present applicant was apprehended on the basis of CCTV footage, and the

other accused persons were implicated in the case on the basis of memorandum statement of the presnt applicant.

3. The case of the prosecution, in brief, is that the complainant, along with his family members, had gone to Mahasamund to attend his elder brother's marriage. On 09.03.2026, when he returned to his house at Village Acholi along with his brother-in-law to collect wedding articles, he found the locks of the room and cupboard broken and gold and silver ornaments worth approximately Rs. 3,55,000/- missing. Accordingly, he lodged a report against unknown persons. On the basis of the report, an offence under Section 305(A) of the BNS was registered and investigation was taken up. The place of occurrence was inspected by the Scientific Officer, Scene of Crime Unit, Mahasamund. During the course of investigation, the applicant was apprehended and one gold ring, one gold pendant and one gold chain were recovered from his possession. Upon completion of the investigation, the charge-sheet was filed before the competent Court.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the charge-sheet has already been filed, the applicant has no criminal antecedents, and he is in jail since 12.07.2026. He, therefore, prays for grant of bail to the applicant.

5. On the other hand, learned State Counsel opposes the bail application and submits that the applicant was involved in committing theft of gold and silver ornaments from the complainant's house. He further submits that some of the stolen articles were recovered at the instance of the applicant, whereas some gold ornaments had been sold by the

applicant. Hence, he prays for rejection of the bail application.

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

7. Taking into consideration the facts and circumstances of the case, the nature of the allegations, the fact that the applicant has no criminal antecedents, the charge-sheet has already been filed and the applicant is in judicial custody since 12.07.2026, and further considering that the trial is likely to take considerable time for its conclusion, this Court is inclined to grant regular bail to the applicant. Accordingly, the application is **allowed**.

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

> **(i)** The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.
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> **(ii)** The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.
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> **(iii)** In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law,

under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

Sd/-
(Rakesh Mohan Pandey)
Judge

Jyoti