CGHC010406352026 2026:CGHC:46518

**NAFR**

# HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 9758 of 2026**

**1 -** Avinash Thawait @ Montu S/o Ghanshyam Thawait Aged About 23 Years R/o Village Khokhara Ward No. 08, P.S. Janjgir, Distt. Janjgir Champa, Chhattisgarh.

**... Applicant(s)**

**versus**

**1 -** State Of Chhattisgarh Through P.S. Shivrinarayan, Distt. Janjgir Champa, Chhattisgarh.

**... Respondent(s)**

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|---|---|---|
| For Applicant (s) | : | Ms. Deeksha Jaiswal, Advocate |
| For Respondent(s)/State | : | Mr. Keshav Gupta, G.A. |

**Hon'ble Mr. Justice Rakesh Mohan Pandey**

**Order on Board**

**03.11.2026**

**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. 285/2026, registered at Police Station Shivarinarayan, District Janjgir Champa (C.G.) for the offence punishable under Sections 303(2) and 317(2) of BNS.

**2.** The case of the prosecution, in brief, is that on 25.09.2026, the complainant, namely, Kapil Kumar Kashyap, lodged a report alleging that some unknown persons had committed theft of 450 kg of silver wire, which was subsequently recovered from the possession of the co-accused persons. On the basis of the said complaint, the police registered the aforesaid offences. During the course of investigation, the police retrieved CCTV footage in which one Bolero Pickup bearing registration No. CG 11 BE 4151 was spotted. The present applicant, being the owner of the said vehicle, was taken into custody. Subsequently, the co-accused persons allegedly involved in the theft

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were also apprehended, and the stolen silver wire was recovered from their possession. Upon completion of the investigation, the police filed the charge-sheet before the competent Court.

**3.** Learned counsel for the applicant submits that the applicant was not involved in the commission of the alleged theft and has been implicated merely because his vehicle was allegedly used in the commission of the offence. He would further submit that the applicant has no criminal antecedents, the charge-sheet has already been filed, and he has been in judicial custody since 26.09.2026. He, therefore, prays for grant of regular bail to the applicant.

**4.** On the other hand, learned State Counsel opposes the bail application and submits that the applicant's vehicle was allegedly used in the commission of the theft of silver wire. He further submits that approximately 450 kg of stolen silver wire was recovered from the possession of the co-accused persons, which prima facie connects the applicant with the alleged offence. Hence, he prays for rejection of the bail application.

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

**6.** Taking into consideration the facts and circumstances of the case, the nature of the allegations, particularly the fact that the applicant was not directly involved in the commission of the alleged theft and his alleged involvement is primarily based on the use of his vehicle in the commission of the offence, coupled with the fact that he has no criminal antecedents, the charge-sheet has already been filed, he has been in judicial custody since 26.09.2026, and the trial is likely to take considerable time for its conclusion, this Court, without commenting on the merits of the case, is inclined to grant regular bail to the applicant. Accordingly, the application is **allowed.**

**7.** 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.

**(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.

**(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