CGHC010433482026 2026:CGHC:46944

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10460 of 2026

Himanshu Rathi Son Of Jogender Rathi Aged About 28 Years Resident Of Shivnagar, Police Station - Shivadih, District - Rohtak At Present Kabir Nagar, Phase-2, Near J.P. Chowk, Police Station - Kabir Nagar, District - Raipur (C.G.)

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station - Jutmil, District - Raigarh (C.G.)

... Respondent

For Applicant	:	Mr. Rajnish Singh Baghel, Advocate.
For State/Respondent	:	Mr. H.A.P.S. Bhatia, Panel Lawyer.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

05/11/2026

1. Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 490/2026 registered at Police Station – Jutmil, District Raigarh (C.G.), for the offences under Sections 318(4), 338, 336(3), 340(2), 61(2), 3(5) of the BNS and Sections 42(1), 41(2)(C)(D) & 52(1) of the Forest Act.

2. Case of the prosecution, in brief, is that on 02.09.2026, the Forest Range Officer, Forest Division, Raigarh, lodged a written complaint before Police Station, Jutmil, alleging that on 05.05.2025, a raid was conducted at the

godown of Naresh Agrawal situated at Gadhumariya. During the raid, 42 Tendu trees measuring 1.731 cubic metres, loaded in Truck No. CG-15-DV-7577, 146 Khair trees measuring 6.741 cubic metres, a cutter machine and 9 Chatta firewood were recovered. It is further alleged that the Chowkidar of the godown produced T.P. No. 0134827/B/2153/56 dated 30.04.2025, which was found to be forged. On the basis of the said complaint, the aforesaid offences were registered against the applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant has been made an accused only on the allegation that he had provided his truck for the transportation of wooden logs. He submits that neither the police nor the forest officials found the applicant's truck loaded with wooden logs. The allegation regarding the involvement of the applicant's truck in transporting the wooden logs is based solely on a statement. The applicant has been in custody since 04.09.2026, and no further custodial interrogation is required. Therefore, it is prayed that the applicant be enlarged on regular bail.

4. Learned counsel for the State opposes the submissions and submits that there is material on record to show that the applicant's truck was utilized for the transportation of wooden logs. He further submits that the applicant was instrumental in providing the truck for the purpose of transporting the said goods.

5. I have heard learned counsel for the parties.

6. Taking into consideration the facts and circumstances of the case, nature of the allegations, submissions made by learned counsel for the respective parties, the charge-sheet has already been filed, no further custodial interrogation is required, trial is likely to take some time, without

commenting anything on the merits of the case, I am inclined to allow this application for grant of bail.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs. 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

> (a) 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.
> (b) 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.
> (c) 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.
> (d) 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.

8. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)
JUDGE

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