



2026:CGHC:3613



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 750 of 2026

Subarno Ghoshal S/o Vikas Chandra Ghoshal Aged About 26 Years R/o Rajkishor Nagar, Brij Vihar, Police Station- Sarkanda, District- Bilaspur (C.G.)

... Applicant

versus

State of Chhattisgarh Through Station House Officer, Police Station- Sarkanda, District- Bilaspur (C.G.)

... Non-Applicant

For Applicant : Ms. Divya Sahu, Advocate

For Non-Applicant/State : Mr. Saumya Rai, Dy. Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 1599/2025 registered at Police Station- Sarkanda, District- Bilaspur, (C.G.) for the offence punishable under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story, in brief, is that the complainant, Ajay Shrivastava, lodged a report at Police Station Sarkanda alleging that he had purchased a Swift Dzire car bearing registration No. CG-04-



PQ-9699 in his own name on installment basis but, due to financial constraints, was unable to regularly pay the installments. During this period, he came in contact with his friend, the present applicant, who claimed to be operating vehicles with the Ola company and expressed his requirement for additional cars. Upon being informed of the complainant's financial difficulty, the applicant allegedly assured him that if the car was handed over, he would pay the monthly installment of Rs.13,700/- and additionally pay Rs.10,000/- per month as rent. Acting on this assurance, the complainant handed over the said vehicle to the applicant. It is further alleged that the complainant had also purchased an iPhone-15 through Bajaj Finance, which was likewise taken by the applicant on the assurance that he would pay the installments thereof. It is alleged that from October, 2025 onwards, the installments of both the car and the mobile phone were not paid, and upon inquiry, the applicant refused to make payment or return the said articles. On the basis of the said report, Police Station Sarkanda registered Crime No.1599/2025 against the applicant for the offence punishable under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023. The applicant was arrested on 19.11.2025 and, after completion of investigation, the charge-sheet has been filed before the competent Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as the allegations against him arise purely out of a civil dispute relating to non-payment of installments pursuant to an oral arrangement, for



which civil remedies are available and no criminal intent is made out so as to attract Section 316(2) of the Bharatiya Nyaya Sanhita, 2023. It is contended that the alleged offence is non-violent and economic in nature, the applicant is a 26-year-old permanent resident of Bilaspur having deep roots in society, is not a flight risk, and undertakes to comply with all conditions imposed by this Hon'ble Court. She further submits that though one similar case is pending against the applicant, but he has not been convicted in any matter. She further submits that the charge-sheet has been filed, he is in jail since 19.11.2025, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been filed before the competent Court. He further submits that the allegations against the applicant disclose a clear case of cheating and dishonest misappropriation, as the applicant induced the complainant to hand over the car and mobile phone on false assurances of paying installments and rent, and thereafter deliberately defaulted and refused either to make payment or to return the said articles. He further submits that the applicant has one criminal antecedent involving similar allegations, which shows a continuing pattern of deceit, and therefore, considering the gravity of the offence, the applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.



6. Taking into consideration the facts and circumstances of the case that though the applicant induced the complainant to hand over the car and mobile phone on false assurances of paying installments and rent, and thereafter deliberately defaulted and refused either to make payment or to return the said articles, but considering that the applicant is languishing in jail since 19.11.2025, the charge-sheet has been submitted before the competent Court and the conclusion of the trial may take some more time, therefore, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Subarno Ghoshal**, involved in Crime No. 1599/2025 registered at Police Station- Sarkanda, District- Bilaspur, (C.G.) for the offence punishable under Section 316(2) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing **a personal bond** with **two sureties** 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.

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

**Sd/-
(Ramesh Sinha)
Chief Justice**