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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 37 of 2026**

Shafiq Momin @ Baiga S/o Abdul Jabbar Aged About 52 Years (Wrongly Mentioned As 32 Years In Impugned Order) R/o Village Chikhli, P.S. Chikhli, Tehsil And Distt. Rajnandgaon, Chhattisgarh. **---Applicant**

versus

State Of Chhattisgarh Through P.S. Somani, Distt. Rajnandgaon, Chhattisgarh. **---Non-applicant**

MCRC No. 244 of 2026

Smt. Pushpa Mallik W/o Late Sapan Mallik Aged About 60 Years R/o Bangali Chal, Basantpur P.S. Basantpur Tahsil And District Rajnandgaon, C.G **---Applicant**

Versus

State Of Chhattisgarh Through Station House Office, P.S. Somani, District Rajnandgaon, (C.G.) **... Non-applicant**

MCRC No. 519 of 2026

Kamlesh Sonkar S/o Shri Prem Lal Sonkar Aged About 37 Years R/o House No. 416, Ward No. 30, Lakholi Naka, P.S. City Kotwali, Tahsil And District Rajnandgaon, C.G **--Applicant**

**Versus**

State Of Chhattisgarh Through Station House Officer Somni Dist.
Rajnandgaon, C.G. ... **Non-applicant**

For respective Applicants	: Mr. D.K. Gwalre, Mr. Dev Ashish Biswas & Mr. Manohar Dewangan Advocates.
For Non-applicant/State	: Mr. Sourabh Sahu, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice
Order on Board

24.02.2026

1. Since all the bail applications arise out of the same crime number, they are being decided by this common order.
2. The applicants have preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 276/2025, registered at Police Station : Somni District – Rajnandgaon (C.G.) for the offence punishable under Sections 303(2), 317(2) & 111 of the BNS.
3. According to the brief prosecution story, a report was lodged by Gulab Sahu on 13.12.2025 at Somni Police Station stating that on 09.12.2025, 200 feet of cable wire of a submersible pump was found missing from the agricultural field of his nephew, Kunj Bihari. During investigation, it was revealed that similar thefts had also occurred in the fields of other farmers, namely Surendra Kumar Sahu, Gajendra Deshmukh, Biru Sahu, Domar Sahu, Manoj Kumar Sahu, Indra Kumar Sahu, Guman Sahu, Maksudan Sahu, Agnu Ram Nishad and Prasad



Sahu, from where cable wires of submersible pumps and one electric shock (Jhatka) machine were stolen, amounting in total to Rs.38,520/-. On the basis of the said report, Crime No. 276/2025 was registered at the aforesaid police station under Sections 303(2), 317(2) and 111 of the Bharatiya Nyaya Sanhita, 2023. During further investigation, on the basis of memorandum statements of co-accused persons, namely Saurabh Maithil Chatriya, Tirath Kumar Sahu, Rahul Shrivastava alias Saniya and Dinu Meksham alias Pintu, two electric shock (Jhatka) machines of Mashruka Solar System were seized from co-accused Hussain Dewar, and from the present applicant, broken pieces of a submersible pump and a Tullu pump were allegedly seized, following which the applicant was arrested and further investigation was undertaken.

4. It is respectfully submitted that the applicants are innocent and have not committed any offence whatsoever and have been falsely implicated in a concocted and exaggerated case. The prosecution story, on its own showing, does not disclose the basic ingredients of the alleged offences and thus falsifies the allegations levelled against the applicants. The applicants were arrested on 17.12.2025 and certain broken pieces of a submersible pump were allegedly seized from them treating the same as stolen property, whereas admittedly there is no allegation in the FIR regarding theft of any submersible pump, which renders the prosecution version doubtful and improbable. It is further submitted that the applicants have no nexus either with the co-accused persons or with the alleged stolen property and that they have been arrested only after addition of Section 317(2) of the Bharatiya Nyaya



Sanhita, 2023, which corresponds to Section 411 of the Indian Penal Code and is punishable with imprisonment up to three years or fine or both. The applicants have already been sent to judicial custody and are not required for any further custodial interrogation; the alleged offence is triable by the Court of Judicial Magistrate First Class and the trial is likely to take considerable time, therefore their continued incarceration since 17.12.2025 would amount to pre-trial detention and serve no useful purpose. The applicants are permanent residents of District Rajnandgaon, there is no likelihood of their absconding or tampering with prosecution evidence, and they are ready and willing to furnish adequate surety and to abide by any terms and conditions that may be imposed by this Hon'ble Court while granting bail.

5. On the other hand, learned State counsel opposes the submissions advanced on behalf of the applicants and submits that the present applicants, along with other co-accused persons, were involved in the commission of theft, therefore, they are not entitled to be granted regular bail in the present case.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the submissions made by learned counsel for the parties, and further considering the facts and circumstances of the case as well as the nature and gravity of the allegations levelled against the present applicants, particularly the fact that the charge-sheet has already been filed before the competent Court and that applicant Nos. 1 and 2 are in custody since 17.12.2025 while applicant No. 3 is in custody since 16.12.2025, and that the conclusion of the



trial is likely to take considerable time, this Court is of the view that the applicants are entitled to be released on bail in the present case.

8. Let the Applicants – **Shafiq Momin @ Baiga, Smt. Pushpa Mallik & Kamlesh Sonkar** involved in Crime No. 276/2025, registered at Police Station : Somni District – Rajnandgaon (C.G.) for the offence punishable under Sections 303(2), 317(2) & 111 of the BNS, be released on bail on furnishing **personal bond with two local sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.



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(iv) The applicants 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 applicants are 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 them in accordance with law.

9. 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

Vaibhav