



2026:CGHC:3616



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 755 of 2026

Ashutosh Pandey S/o Late Surendra Kumar Pandey, Aged About 37 Years R/o Village Moharenga, Tah. And PS Bemetara Distt. Bemetara (C.G.)

... **Applicant**

versus

State of Chhattisgarh Through SHO Police Station Bemetara Distt. Bemetara (C.G.)

... **Non-applicant**

For Applicant : Mr. Dheerendra Pandey, Advocate.

For Non-applicant/State : Mr. Saumya Rai, Panel Lawyer.

For Objector : Mr. Anupam Pandey, Advocate.

Hon'ble Mr. 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. 411/2024 registered at Police Station Bemetara, Distt. Bemetara (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code.
2. The case of the prosecution, in brief, is that the present applicant, along with other co-accused, sold agricultural land to one Jyoti Singh Verma by concealing the material fact that the said land was not free from all kinds



of encumbrances, as the same land was the subject matter of a civil suit.

As such, the complainant suffered irreparable loss, and his father was admitted to the hospital upon coming to know of the fraud allegedly committed by the accused persons in furtherance of their common intention. It is the contention of the complainant that the parties entered into an agreement with the accused persons and paid a sum of Rs. 49,30,300/- to the accused as consideration towards registration of the sale deed, however, the sold property was already the subject matter of litigation pending between the concerned parties.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that co-accused, namely, Sarita Pandey, has been granted anticipatory bail by the Hon'ble Supreme Court vide order dated 08.10.2025 in Special Leave Petition (Criminal) Diary No.31194/2025 and one co-accused, namely, Ashish Pandey, has been granted anticipatory bail by this Court vide order dated 03.12.2025 in MCRCA No.1902 of 2025. The applicant is in jail since 24.12.2025, the applicant has four criminal antecedent of the years 2020 and 2024 under the IPC, charge-sheet has been filed 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 in the present case. He further submits that the applicant allegedly in connivance with co-accused, fraudulently sold agricultural land to the complainant by concealing the pendency of civil litigation over the said property, thereby inducing the complainant to pay Rs 49,30,300/- as sale consideration and causing him financial loss. So far as criminal antecedents of the



applicant are concerned, applicant has four criminal antecedents of the years 2020 and 2024 under the IPC, therefore, the applicant is not entitled for grant of bail.

5. Learned counsel for the objector has adopted the submissions made by learned State counsel.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 24.12.2025, the fact that though the applicant allegedly in connivance with co-accused, fraudulently sold agricultural land to the complainant by concealing the pendency of civil litigation over the said property, thereby inducing the complainant to pay Rs.49,30,300/- as sale consideration and causing him financial loss, but considering the fact that co-accused, namely, Sarita Pandey, has been granted anticipatory bail by the Hon'ble Supreme Court vide order dated 08.10.2025 in Special Leave Petition (Criminal) Diary No.31194/2025 and one co-accused, namely, Ashish Pandey, has been granted anticipatory bail by this Court vide order dated 03.12.2025 in MCRCA No.1902 of 2025, also considering the criminal antecedents of the applicant and the fact that charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.
8. Accordingly, the application is **allowed**.
9. Let the Applicant-**Ashutosh Pandey**, involved in Crime No. 411/2024 registered at Police Station Bemetara, Distt. Bemetara (C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code, 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.

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

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE