



2026:CGHC:3598



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MCRCA No. 113 of 2026

Ghanshyam Ram S/o Balmohan Ram Aged About 30 Years R/o Village-  
Judwain, Ara, District- Jashpur, C.G. **...Applicant**

**versus**

State Of Chhattisgarh Through Station House Officer, Police Station-  
Narayanpur, District Jashpur (C.G.) **... Respondent**

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For Applicant : Mr. B.P. Sharma, Advocate.

For Non-applicant/State : Mr. S.S. Baghel, Government Advocate.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

**Order on Board**

**21.01.2026**

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 114/2025 registered at Police Station – Narayanpur District – Jashpur (C.G.) for the offences punishable under Sections 305(a), 331(4) of the BNS 2023 and Section 3(5) of the BNS 2023(Though Section 3(5) is not mentioned in FIR).



- 2.** The prosecution case, in brief, is that on 05.12.2025, a First Information Report was lodged by the complainant, Sushma Nikunj, wife of Vijay Kumar Nikunj, District Regional Transport Officer, alleging that on 27.08.2025, when she along with her husband and nephew visited her matrimonial/ancestral house, they found that the lock of an internal door had been broken and a brown suitcase kept inside the bed storage was missing, which allegedly contained cash amounting to Rs.15,00,000/- and a gold coin; the said house was occupied by her brother-in-law, sister-in-law, mother-in-law, and co-accused Minal Nikunj, niece of the complainant, and upon enquiry, co-accused Minal Nikunj allegedly confessed that she, at the instigation of her boyfriend, along with her friend Alisha Bhagat, had entered the house during the night, broke open the door with an iron rod, and committed the theft, and further disclosed that the stolen gold was sold at Rourkela, Odisha on 03.07.2025 with the assistance of the present applicant, Ghanshyam Ram; on the basis of the said allegations and statements, offences were registered against the present applicant and other co-accused persons.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. He further submits that as there is an inordinate and unexplained delay in lodging the First Information Report, which was filed much after the alleged incident and therefore the benefit of such delay deserves to be extended to the applicant; the FIR is based primarily on an alleged confessional statement made before the complainant, which carries no evidentiary value in the eyes of law and does not disclose any *prima facie* case against the applicant; the applicant has been falsely implicated merely



because he had assisted the co-accused Minal in solemnizing her marriage with co-accused Anil, due to which his name has been dragged into the present case despite having no knowledge or involvement in the alleged theft; no recovery or seizure of gold or any other incriminating article has been effected from the applicant by the prosecuting agency; the complainant's husband being posted as District Regional Transport Officer, the FIR has been lodged by exerting undue influence upon the police machinery, and it is further evident that the police had allegedly recovered certain articles even prior to the registration of the FIR but failed to lodge the report or reflect such seizures, resulting in an unfair and tainted investigation, for which even the police in-charge concerned was suspended; the applicant was completely unaware of the acts of the co-accused, and since the main accused persons are already in custody, the arrest of the applicant would serve no useful purpose; no specific penal provision has been attributed to the applicant in the FIR; the allegations do not pertain to any heinous offence, the applicant has no criminal antecedents involving imprisonment or conviction, and there is no likelihood of his absconding as he is a permanent resident of Jashpur; the accusations appear to be motivated and made with the object of humiliating the applicant, and although the applicant has reason to apprehend arrest as he has been named in the FIR, he undertakes to cooperate with the investigation and to abide by all terms and conditions imposed by this Hon'ble Court; moreover, as held by the Hon'ble Supreme Court in *Jalaluddin Khan v. Union of India*, bail is the rule and jail is the exception, and the learned trial Court has erred in mechanically invoking Section 3(5) of the Bharatiya Nyaya Sanhita, which does not



even form part of the FIR, and further, the rejection of bail of one co-accused cannot automatically operate as a ground for rejection of the present applicant's bail; hence, the applicant deserves the discretionary relief of anticipatory bail.

4. Learned State Counsel opposes the application for anticipatory bail. As per the FIR lodged by the complainant, Sushma Nikunj, on 27.08.2025, a brown suitcase containing Rs. 15,00,000/- and a gold coin was allegedly stolen from her matrimonial house. Co-accused Minal Nikunj confessed that she, at the instigation of her boyfriend, along with a friend, unlawfully entered the house, broke the door, and committed the theft, and further disclosed that the stolen gold was sold in Rourkela, Odisha on 03.07.2025 with the assistance of the present applicant, Ghanshyam Ram. On the basis of these allegations, offences have been registered against the applicant and other co-accused persons. It is submitted that the applicant's involvement *prima facie* emerges from the co-accused statements, and therefore, anticipatory bail may not be granted at this stage.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the seriousness of the allegations, and the material available in the case diary, it appears that a complaint was lodged stating that on 27.08.2025, cash amounting to Rs. 15 lakh and a large quantity of gold were stolen from the ancestral house of the complainant in Rainidand village, Keradih. Co-accused Minal Nikunj, in her statement, admitted that she, along with others, entered the house at night, broke open the divan and



briefcases, and took the cash and gold, which was later sold with the assistance of the applicant. The investigation further reveals that the accused conspired to illegally dispose of approximately 4 kg of gold and Rs. 15 lakh, much of which remains unrecovered, and the applicant has been absconding since the incident. Considering the seriousness of the offences, the high value of the property involved, the premeditated nature of the crime, and the risk of tampering with evidence, this Court is of the view that the applicant's request for anticipatory bail cannot be granted.

7. Accordingly, the anticipatory bail application of the applicant – **Ghanshyam Ram**, involved in Crime No. 114/2025 registered at Police Station – Narayanpur District – Jashpur (C.G.) for the offences punishable under Sections 305(a), 331(4) of the BNS 2023 and Section 3(5) of the BNS 2023(Though Section 3(5) is not mentioned in FIR), is **rejected**.

Sd/-  
(Ramesh Sinha)  
**CHIEF JUSTICE**