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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 754 of 2026

Hemant Kumar Sonwani @ Somu S/o Ramesh Santwani Aged About 26 Years R/o Village- Sasaholi Tilda Newra, District- Raipur (C.G.)

... Applicant

versus

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

... Non-Applicant

For Applicant	: Ms. Khushbu Sahu, Advocate
For Non-Applicant/State	: Mr. Nitansh Jaiswal, Deputy Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. The applicant has preferred this First Bail Application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 297/2025, registered at Police Station – Dharsiwa, District- Raipur, (C.G.) for the offence punishable under Sections 331(4), 305 of the Bharatiya Nyaya Sanhita, 2023.
2. The facts of the case, in brief, are that on 18.06.2025, the applicant illegally entered the shop of the complainant after gagging his mouth with a cloth and committed theft of a cash amount of



approximately Rs.85,000/- to Rs.90,000/- kept at the counter of the shop. Upon inquiry, the police found that the applicant is a habitual offender and that cases have previously been registered against him at Police Station Tilda Newra and Police Station Hathband. On the basis of the report lodged by the complainant, the concerned police registered a crime against the applicant for offences punishable under Sections 331(4) and 305 of the Bharatiya Nyaya Sanhita. After completion of investigation, the Police Station Dharsiwa, District Raipur, filed the charge-sheet before the competent Court, and the applicant was arrested on 15.08.2025. Hence, the present bail application has been filed.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present case. She further submits that the applicant has not committed any of the alleged offences and has no involvement in the crime mentioned in the cause title. It is contended that the applicant has been arrayed as an accused merely on the basis of the memorandum statement of the co-accused, which is false, baseless and unreliable in the absence of any independent corroboration. She further submits that the prosecution has failed to recover or seize any stolen property from the possession of the present applicant and no incriminating material has been collected to connect him with the alleged offence. Thus, no prima facie case is made out against the applicant. It is lastly submitted that the applicant has one prior criminal antecedent, the applicant is a young man aged about 26 years and is in jail since 15.08.2025, the



charge-sheet has been filed, and the conclusion of the trial is likely to take a considerable amount of time. Therefore, she prays for the grant of regular bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. He further submits that the applicant is involved in a serious offence of house-trespass and theft of a substantial amount. It is further submitted that the applicant is a habitual offender and two previous criminal cases are registered against him at Police Station Tilda Newra and Police Station Hathband. Considering the nature and gravity of the offence, as well as the criminal antecedents of the applicant, the applicant is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the material available on record.
6. Taking into consideration the facts and circumstances of the case that though the applicant is involved in an offence of house-trespass and theft of a substantial amount and also the applicant has two previous criminal antecedents, out of which one is disposed of, but the applicant is languishing in jail since 15.08.2025, he has been arrayed as an accused merely on the basis of the memorandum statement of the co-accused, the charge-sheet has been submitted before the competent Court and the conclusion of the trial may take some more time, hence, without expressing any opinion on the merits of the case, 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 - **Hemant Kumar Sonwani @ Somu**, involved in Crime No. 297/2025, registered at Police Station – Dharsiwa, District- Raipur, (C.G.) for the offence punishable under Sections 331(4), 305 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



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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**

Rahul Dewangan