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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 753 of 2026

Avinash Ghritlahre S/o Late Chetan Kumar Ghritlahre Aged About 25 Years R/o Vill Shuklabhata, P.S.- Balodabazar, Dist.- Balodabazar-Bhatapara C.G.

... **Applicant**

versus

State of Chhattisgarh Through Station House Officer, P.S.- Balodabazar, District - Balodabazar-Bhatapara C.G.

... **Non-applicant**

For Applicant	: Mr. Aishwarya Kumar Dubey, Advocate
For Non-applicant/State	: Mr. Nitansh Kumar Jaiswal, Dy. G.A.

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 the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 671/2025, registered at Police Station : Balodabazar, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 318(4) and 316(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The case of the prosecution, in brief, is that the complainant is a company engaged in cash management services, wherein collected cash is stored and safeguarded in sealed bags within its vaults and



deposited in the bank on the next working day. During an internal audit, it was обнаружено that an amount of Rs.26,78,450/- kept in sealed bags inside the vault was found missing. It is alleged that the main accused, namely Pankaj Kumar Dhruv, who was working as a Gig Custodian with the complainant company, misappropriated the said amount and failed to deposit the same in the bank. During investigation, on the basis of his memorandum statement, the name of the present applicant was disclosed, who is stated to be an ex-employee of the said company. During the course of investigation, an amount of Rs.41,000/- along with a mobile phone was seized from the main accused, and an amount of Rs.27,000/- along with a motorcycle was seized from the present applicant. It is further alleged that the remaining amount was lost by the main accused and the present applicant in gambling and towards payment of gambling debts. Hence, the present bail application.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the instant case on the basis of alleged financial irregularities of the complainant institution, whereas he has not committed any offence as alleged and, in fact, was not even employed with the complainant company at the time when the alleged offence took place. He further submits that the arrest and implication of the applicant are based solely on the memorandum statement of the main accused, without there being any independent, direct or corroborative evidence connecting the applicant with the alleged crime. It is contended that a memorandum statement by itself is a weak and fragile piece of



evidence and, unless it leads to a legally admissible recovery under Section 27 of the Indian Evidence Act, it cannot be treated as substantive evidence; in the present case, no incriminating or substantial recovery has been effected at the instance or from the conscious possession of the applicant, except for an amount of Rs.27,000/-. He further submits that the applicant is not named in the FIR and his implication is a clear afterthought, as the main accused, who was entrusted with the cash, has named the applicant, who is merely his predecessor and an ex-employee, which prima facie renders the prosecution story improbable. It is further submitted that the applicant was appointed in the year 2024 and worked with the institution only for about six months, during which period he strictly followed the prescribed procedure and deposited all received amounts into the institutional account, and no complaint of cheating, forgery or misappropriation was ever lodged against him either by the institution or by any candidate. After the applicant left the institution due to work-related reasons, co-accused Pankaj Dhruv was appointed in his place, and the subsequent allegations relate to acts not attributable to the applicant. He also submits that the applicant is a B.Sc. student with an excellent academic record and his continued incarceration is seriously prejudicing his education, future prospects and career. It is submitted that the similarly situated co-accused, namely Pankaj Dhruv, who is the principal offender in the case, has already been granted bail by this Hon'ble Court vide order dated 15.01.2026 passed in M.Cr.C. No.514/2026. He also submits that the applicant



has no criminal antecedents, and he is in jail since 15.11.2025, the 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 on the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application of the applicant and submits that the charge-sheet has been filed, but could not dispute the fact that co-accused persons have already been granted bail by this Court and the case of the present applicant is identical to that of the co-accused.
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, nature and gravity of offence, period of detention of the applicant since 15.11.2025, the fact that the applicant is not named in the FIR and his implication is primarily based on the memorandum statement of the co-accused, coupled with the limited recovery of Rs.27,000/- from his possession, further the fact that other co-accused person namely, Pankaj Dhruv, who is alleged to be the principal offender, has already been granted bail by this Court vide order dated 15.01.2026 passed in M.Cr.C. No.514/2026, and the case of present applicant is identical to that of the co-accused person, further the applicant has no criminal antecedents, the charge-sheet has been filed in the present case, this Court is of the view that the applicant is entitled to be released on bail in this case on the ground of parity.



7. Accordingly, the bail application is **allowed**. Let the applicant, **Avinash Ghritlehre**, involved in Crime No. 671/2025, registered at Police Station : Balodabazar, District – Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 318(4) and 316(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **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.



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(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