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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1150 of 2026

Ashish Kumar Rath S/o Kishore Chandra Rath Aged About 38 Years R/o
Village- Jayantgiri, Tahsil And P.S.- Boriguma, District- Koraput (Odisha).

... **Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Kotwali Jagdalpur,
District - Bastar (C.G.)

...**Non-applicant**

For Applicant : Mr. T. K. Jha, Advocate.

For Non-applicant/State : Mr. Soumya Rai, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

16.03.2026

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 280/2025 registered at Police Station - Kotwali Jagdalpur, District- Bastar (C.G.), for the offences punishable under Sections 318(4), 338, 336(3), 340(2) & 3(5) of the BNS.
2. Case of the prosecution, in brief, is that, the complainant Anand Shukla lodged complaint that the present applicant is director of Soul



Art of Finance Company Pvt. Ltd and he has demanded 25 percent of the Rs.50,00,000 (Rs.12,50,000) for FDR in the accused's finance company. On 09.01.2025, he transferred Rs. 9,00,000/- from firm Asmeet Pulses Pvt. Ltd. situated in ICICI Bank branch Jagdalpur to the accused's company through RTGS and on 04.02.2025, Rs. 1,00,000/- was again transferred to the account number 20200060668061 of the accused situated in Bandhan Bank branch Jagdalpur, again on 02.02.2025, Rs. 20,000/- was transferred to the UPIID of the accused. After taking a total of Rs. 10,20,000/- from the applicant, the company was called and FDR was given to him and after forging the fake tax, the bond paper was given to the applicant. That, on the basis of said complaint FIR No. 280/2025 under section 318(4), 338, 336(3), 340(2), 3(5) of BNS has been registered, during the investigation applicant was arrested and after completion of investigation Challan was filed.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, the applicant It is submitted that there existed a business transaction between the applicant and the complainant, and therefore the dispute is purely civil in nature. There is no necessity for custodial interrogation of the applicant. The applicant is in judicial custody since 12.09.2025. It is further submitted that the applicant requires regular physiotherapy as he had undergone orthopedic surgery on his left leg in the year 2011, and the applicant is a permanent resident of the above-mentioned address and possesses movable and immovable properties there, hence there is no likelihood of his absconding or tampering with the prosecution witnesses. The applicant is ready and



willing to furnish adequate sureties and undertakes to abide by all the conditions and directions that may be imposed by this Hon'ble Court while granting bail.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has already been filed in the present case and that the applicant has one previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the allegations levelled against the applicant, and further taking into account that the charge-sheet has already been submitted before the competent Court and the applicant has remained in jail since 12.09.2025, and the conclusion of the trial is likely to take some time, this Court is inclined to grant regular bail to the present applicant.
7. Let the Applicant – **Ashish Kumar Rath**, involved in Crime No. 280/2025 registered at Police Station - Kotwali Jagdalpur, District-Bastar (C.G.), for the offences punishable under Sections 318(4), 338, 336(3), 340(2) & 3(5) of the BNS., be released on bail on his furnishing **personal bond** with **two local 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



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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.

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

Sd/-
(Ramesh Sinha)
Chief Justice