2026:CGHC:9512

2026:CGHC:9512

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1007 of 2026

Ramgopal Adile S/o Lakhan Lal Adile Aged About 38 Years R/o Village-Bagdabri, Police Station- Balauda, District- Janjgir-Champa C.G.

--- **Applicant**

versus

State of Chhattisgarh Through Station House Officer, Police Station- Kharora, District Raipur C.G.

--- **Non-Applicant**

MCRC No. 1528 of 2026

1. Rahul Barman S/o Ramanand Barman Aged About 30 Years R/o Village-Mudhpar, Police Station- Seepat, District- Bilaspur C.G.
2. Ashok Shah S/o Kirpal Shah Aged About 25 Years R/o Village-Darrabhantha, Police Station- Seepat, District- Bilaspur, C.G.

---Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station - Kharora, District – Raipur, C.G.

--- **Non-Applicant**

For Applicants	:	Mr. Ravi Kumar Banjare, Advocte.
For Non-Applicant/State	:	Ms. Monika Thakur, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

24.02.2026

1. Since the above-mentioned two bail applications arise out of same crime number, they are clubbed and heard together and are being disposed of by this common order.

2026:CGHC:9512

2. These are the first bail applications filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No.830/2025 registered at Police Station- Kharora, District – Raipur, Chhattisgarh, for the offence punishable under Sections 303(2), 340(2), 238(c), 317(5) and 3(5) of Bharatiya Nyaya Sanhita, 2023.

3. The brief prosecution case is that the complainant, Pawan Kumar Yadav, appeared at the police station on 04.12.2025 and lodged a report stating that on 03.12.2025 at about 10:00 PM, while driving his employer's 18-wheeler truck bearing registration No. WB-35-4988 from Raigarh to Raipur, he stopped near Village Manth, Dashmesh Dhaba, at about 1:00 AM, parked the vehicle, had his meal, and went to sleep. At around 4:00 AM, he discovered that an unknown person had opened the diesel tank and stolen approximately 200 liters of diesel worth Rs.18,664. On the basis of the said report, Crime No. 830/2025 was registered at Police Station Kharora under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023 against an unknown person, and investigation was initiated.

4. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case only on the basis of suspicion and circumstantial evidence without any direct proof of their involvement in the alleged theft. He further submits that the applicants are in jail since 04.12.2025, further the charge-sheet has not been filed. He also submits that the applicant, namely, Ramgopal Adile has three previous criminal antecedents, out of which two cases are 2007 and 2016 which is unknowledge and one case is pending and applicants, namely, Rahul Barman and Ashok Shah has no previous criminal antecedents. He also submits that the co-accused, namely, Virendra Kumar Shrivas has already been granted bail by this Court vide order dated 08.01.2026

2026:CGHC:9512

passed in MCRC No. 86/2026. Hence, he prays for grant of bail on the ground of parity.

5. Learned counsel for the State/non-applicant opposes the bail application and submits that the charge-sheet has not been filed. She further submits that applicant, namely, Ramgopal Adile has three previous criminal antecedents.

6. I have heard learned counsel appearing for the parties and perused the case diary.

7. Considering the facts and circumstances of the case, nature and gravity of the offence, allegations levelled against the applicants and the fact that that the applicants are in jail since 04.12.2025, and the charge-sheet has not been filed, further co-accused, namely, Virendra Kumar Shrivas has already been granted bail by this Court vide order dated 08.01.2026 passed in MCRC No. 86/2026, also considering the fact that the applicant, namely, Ramgopal Adile has three previous criminal antecedents, out of which two cases are 2007 and 2016 which is old and stale and one case is pending and applicant, namely, Rahul Barman and Ashok Shah has no previous criminal antecedents, this Court is of the view that the applicants are entitled to be released on bail in this case.

8. Accordingly, the bail application is allowed. Let the Applicant - **Ramgopal Adile (MCRC No. 1007 of 2026)** and **applicant Nos. 1 and 2 - Rahul Barman** and **Ashok Shah (MCRC No.1528/2026)** involved in Crime No.830/2025 registered at Police Station- Kharora, District – Raipur, Chhattisgarh, for the offence punishable under Sections 303(2), 340(2), 238(c), 317(5) and 3(5) of Bharatiya Nyaya Sanhita, 2023., be released on bail on his furnishing a **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the

2026:CGHC:9512

following conditions:-

(i) The applicants 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 applicants 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 applicants 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 applicants 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.

2026:CGHC:9512

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

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Preeti