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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1006 of 2026

Toman Sahu @ Monu Sahu S/o Ashok Sahu Aged About 19 Years R/o Village Sonpairi, P.S. Mujgahan, District Raipur C.G.

--- Applicant

versus

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

--- Non-Applicant

MCRC No. 1988 of 2026

1. Kunal Sahu S/o Genduram Sahu, Aged About 19 Years R/o Gandhi Chowk, Devpuri, P.S.Tikrapara, Raipur, Tehsil and District- Raipur (C.G.)
2. Vinod Nishad S/o Late Raju Nishad Aged About 19 Years R/o Tarpongi P.S. Nandghat, District- Bemetara (C.G.)

---Applicants

Versus

State of Chhattisgarh Through The P.S. Mujgahan Raipur, District- Raipur (C.G.)

--- **Non-Applicant**

For Applicant (in MCRC No. 1006/2026)	:	Mr. C.R. Sahu and Ms. Khushbu Sahu, Advocate.
For Applicants (in MCRC No. 1988/2026	:	Mr. N. Naha Roy, Advocate.
For Non-Applicant/State	:	Mr. Nitansh Jaiswal, Deputy Government Advocate and Ms. Palak Dwivedi, Panel Lawyer.

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Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

28.02.2026

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.

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. 236/2025 registered at Police Station- Mujgahan Raipur, District- Raipur, for the offence punishable under Sections 331(4), 305 and 3(5) of Bharatiya Nyaya Sahita, 2023.

3. In **MCRC No. 1006/2025** - Case of the prosecution, in brief, is that the complainant lodged a report at the concerned police station alleging that, on the date of the incident, an unknown person committed theft of petrol, cash, and a mobile phone from the office of the petrol pump. Based on the complaint made by the complainant, the police registered a case under Sections 331(4), 305, and 3(5) of the B.N.S. against unknown persons. After investigation, the police arrested the present applicant on the basis of a memorandum statement.

4. In **MCRC No. 1988/2025** - As per the case of the prosecution, on the night of 22–23.10.2025, when the complainant was alone at Arti Fuels (Petrol Pump), Mujgahan, Raipur (C.G.), customers were coming for refueling late at night. During that time, unknown persons came to the petrol pump, entered the cabin located inside the premises, and stole mobile phones and cash amounting to Rs. 20,500.00. Upon the complaint, the police of Police Station Mujgahan, Raipur (C.G.) registered

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an FIR against the unknown persons under Sections 331(4), 305, and 3(5) of the BNS, 2025, and initiated the investigation.

5. In **MCRC No. 1006/2025 -** Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is further submitted that no article has been seized from the possession of the applicant and that he has not committed theft of the seized property. The applicant has been arrested solely on the basis of a memorandum statement recorded by the police. It is also submitted that the applicant has no previous criminal antecedents and is in custody since 07.12.2025. Hence, learned counsel prays for grant of bail to the applicant.

6. In **MCRC No. 1988/2025 -** Learned counsel for the applicants submits that the applicants are innocent and they have been falsely implicated in the present case. It is further submitted that the applicants have been arrested merely on the basis of suspicion and that there is no cogent evidence against them, therefore, they may be considered for enlargement on bail. Learned counsel further submits that the applicants were previously arrested in a similar offence, wherein this Court, after considering their application, was pleased to enlarge them on bail vide order dated 04.02.2026 (Annexure A/3). It is also submitted that the charge-sheet has been filed and the applicants are in custody since 22.12.2025. The applicants have one criminal antecedent, which is pending, and in that case also they are on bail. Hence, learned counsel prays for grant of bail to the applicants.

7. Learned counsel for the State/non-applicant opposes the bail application and submits that the charge-sheet has been filed.

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

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9. Considering the facts and circumstances of the case, the nature and gravity of the offence, and the allegations levelled against the applicants, further taking into account that the applicants are in custody since 07.12.2025 and 22.12.2025, respectively, and that the charge-sheet has already been filed, also considering that the applicant, namely, Toman Sahu @ Monu Sonu, has no previous criminal antecedents, and the other applicants, namely, Kunal Sahu and Vinod Nishad, have one previous criminal antecedent each, in which they are already on bail, this Court is of the view that the applicants are entitled to be released on bail in the present case.

10. Accordingly, the bail application is allowed. Let the Applicant - **Toman Sahu @ Monu Sahu** (MCRC No. 1006 of 2026) and applicant Nos. 1 and 2 **- Kunal Sahu** and **Vinod Nishad (MCRC No.1988/2026)** involved in Crime No. 236/2025 registered at Police Station- Mujgahan Raipur, District- Raipur, for the offence punishable under Sections 331(4), 305 and 3(5) of Bharatiya Nyaya Sahita, 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 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

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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.

11. 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

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