



2026:CGHC:10047



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1971 of 2026

Madar Khan @ Salim Khan S/o Late Nazim Khan Aged About 53 Years
R/o Dutkaiya, Police Station And Tahsil- Rajim, District- Gariyabandh
(C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through Officer-In-Charge, Police Station Gurur,
District Balod (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Shivam Agrawal, Advocate.

For Respondent(s) : Ms. Anusha Naik, Dy. G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

26/02/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 168/2024 registered at Police Station Gurur, District Balod (C.G.) for the offence punishable under



Sections 420, 34 of the Indian Penal Code.

- 2.** Case of the prosecution, in brief, is that on 09.09.2024 the complainant, Churaman Singh, lodged a report at Police Station Gurur alleging that on the assurance of his friend Gautam Darro, he met the present applicant Harendra Netam at Raipur, who represented that he could secure a Forest Guard job in consideration of Rs. 4,50,000/-. Initially, a sum of Rs. 25,000/- was paid to the applicant on 02.06.2022. Thereafter, the applicant introduced the complainant to co-accused Madar Khan @ Salim Khan and further amounts of Rs. 28,000/-, Rs. 5,70,000/- (deposited in the account of Madar Khan) and Rs. 2,52,000/- (deposited in the account of Mayank Netam) were paid on the pretext of providing employment to the complainant and his brother-in-law. In total, Rs. 8,75,000/- was allegedly obtained by the accused persons by cheating. On the basis of the said complaint, FIR was registered under Sections 420 and 34 of the IPC. The applicant was arrested on 28.10.2024 and, after completion of investigation, charge-sheet has been filed. Hence, the bail application.
- 3.** Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that bail application of identically situated co-accused, Mayank Netam @ Raja has already been granted bail by this Court vide order dated



24.01.2025 in MCRC No.9051 of 2024. So far as the status of trial is concerned, the matter is presently at the stage of recording of defence evidence. The applicant is in jail since 28.10.2024, the applicant has 18 criminal antecedents, out of which, only four cases are pending against the applicant, which are of the years 2016, 2018 and 2024 under the IPC, further 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.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the applicant allegedly induced the complainant on the false pretext of securing a Forest Guard job and dishonestly obtained money from him, and the applicant, along with co-accused persons, collected a total sum of Rs. 8,75,000/- from the complainant and his relative and thereby cheated them. So far as criminal antecedents of the applicant are concerned, applicant has 18 criminal antecedents, therefore, the applicant is a habitual offender and his bail application is liable to be rejected.
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 28.10.2024, the fact that though the applicant allegedly



induced the complainant on the false pretext of securing a Forest Guard job and dishonestly obtained money from him, and the applicant, along with co-accused persons, collected a total sum of Rs. 8,75,000/- from the complainant and his relative, but considering the fact that the applicant has total 18 criminal antecedents, out of which, four cases are pending against the applicant, which are of the years 2016, 2018 and 2024 under the IPC, the cases of the years 2016 and 2018 are old & stale, further considering the fact that the trial is at the stage of recording of defence evidence and the charge-sheet has been filed, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Madar Khan @ Salim Khan**, involved in Crime No. 168/2024 registered at Police Station Gurur, District Balod (C.G.) for the offence punishable under Sections 420, 34 of the Indian Penal Code, 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 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.

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

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE