



2026:CGHC:10015



2026:CGHC:10015

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1246 of 2026

Saddam Ahmad S/o Irsad Ahmad Aged About 26 Years R/o Near Santosh Kirana Store, Behind House Of Mohd. Akabar, Nisar Ahmad P.S. Maudhapara, Raipur C.G. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Urla Raipur, District Raipur C.G. **...Non-applicant**

For Applicant : Ms. Khushbu Sahu, Advocate.

For Non-applicant/State : Ms. Smriti Shrivastava, Panel lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

26.02.2026

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. 306/2025 registered at Police Station - Urla Raipur, District Raipur (C.G.), for the offences punishable under Sections 305 & 3(5) of the BNS.



2. The the case of the prosecution, in brief, is that the complainant has lodged a report to the concerned police Station, alleging that on the date of incident, unknown has committed theft of lenovo laptop company from shop. Based upon such complaint made by the complainant, the police has registered the case under section 305, 3(5) of B.N.S. against the unknown persons and after the investigation, the police has arrested the present applicant on the memorandum statement.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the alleged crime and has not committed any offence as alleged by the prosecution; that he has neither committed theft of the subject vehicle nor committed any of the aforesaid offences attributed to him that the police have not seized any article from his possession and he has not committed theft of the seized property, and he has been arrested solely on the basis of memorandum statements; that merely on the basis of memorandum statements relating to previous criminal cases, the applicant has been falsely implicated in the present crime without proper investigation and without there being any sufficient material against him; that he did not act in the manner alleged by the prosecution and the prosecution story is concocted and fabricated, based upon false and baseless allegations; that there are no ingredients of the offences punishable under Sections 305 and 3(5) of the Bharatiya Nyaya Sanhita, 2023 made out against the present applicant; that he is the sole earning member of his family and has been in jail since 13.09.2025, and prolonged incarceration would seriously prejudice his future and family livelihood; that looking to the material available on record, no *prima*



facie case is made out against him; that he reserves his right to raise additional grounds and to file relevant documents at the time of hearing; that he is a permanent resident of the village mentioned in the cause title of the bail application and there is no likelihood of his absconding; and that he is ready to furnish adequate surety and shall abide by all such terms and conditions as may be imposed by this Hon'ble Court, and therefore prays that he be enlarged on 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 two 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 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 13.09.2025, 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 – **Saddam Ahmad**, involved in Crime No. 306/2025 registered at Police Station - Urla Raipur, District Raipur (C.G.), for the offences punishable under Sections 305 & 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 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