



2026:CGHC:12746



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1699 of 2026

Firoz Khan S/o Sabbir Khan Aged About 37 Years R/o Village- Mehroli
Bhind, Police Station- Gormi, District- Bhind (M.P.)

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Akaltara, District Janjgir-Champa C.G.

... Respondent

For Applicant : Shri Chandrikaditya Pandey, Advocate.

For : Ms. Vaishali Mahilong, Dy.G.A.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

17/03/2026

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.375/2025 registered at Police Station Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 303(2), 317(2), 238, 317(4), 61(2), 3(5)



of Bharatiya Nyaya Sanhita, 2023 (corresponding section 379, 411, 201, 413, 120B, 34 of Indian Penal Code, 1860).

2. Case of the prosecution, in brief, is that on 16.08.2025, one Durgesh Kumar Jatwar, working as JE in CSPDCL lodged a report in Police Station Akaltara alleging inter-alia that L.T. AB cable and transformer articles were stolen by some unknown thieves from Akaltara Rural and Kotgarh Distribution Center. As per the report, the approximately cost of cable wires was Rs.1,50,000/-. On the basis of written report preferred by JE, the police registered an offence bearing Crime No. 375/2025 for offence under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 and the present applicant along with 10 other accused persons were arrested by the police and all of them were implicated in three criminal cases including the present case. The applicant was arrested by the police, articles were seized, statement of the witnesses were recorded and after the completion of entire investigation, charge-sheet has been filed before the learned Judicial Magistrate First Class, Akaltara, District Janjgir-Champa (C.G.) where the Criminal Case No. 60/2026 is pending for trial.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He would submit that bare perusal of the FIR reveals that the offence was allegedly committed by unknown persons, and there is no specific allegation regarding the involvement of the present applicant in the theft, transportation, or sale of the stolen property.



It is further submitted that the applicant is merely a driver of the vehicle in question and had no knowledge or intention regarding the alleged offence. The vehicle may have been used, but the applicant acted only under instructions in the course of his employment, without any criminal intent. He would submit that the applicant has two other criminal cases in the same police station in which the bail applications are filed which are listed today along with this bail application, charge sheet has been filed in this case, the applicant is in jail since 22/12/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court. She would submit that besides this case the applicant has two criminal antecedents which has been explained in para 4(a) of the bail application and applicant has one criminal antecedent in the State of Rajasthan.
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, submission of learned counsel for the parties, materials available on record, period of detention of the applicant since 22/12/2025, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, without commenting



anything on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the bail application is allowed and it is directed that the Applicant-**Firoz Khan** involved in Crime No.375/2025 registered at Police Station Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 303(2), 317(2), 238, 317(4), 61(2), 3(5) of Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing a **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



2026:CGHC:12746

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 for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE