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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2015 of 2026

Rahiman Tikam Das Badabag S/o Tikamdas Badabag Aged About 39 Years
R/o Tumdibod, Hal Muktaberi Colony, Rajnandgaon, District Rajnandgaon,
Chhattisgarh. **... Applicant**

versus

State Of Chhattisgarh Through The Station House Officer, P.S. Bhanpuri,
District Bastar, Chhattisgarh. **... Respondent**

For Applicant	: Mr. Sagar Soni, Advocate.
For Non-applicant/State	: Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

27.02.2026

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.149/2025 registered at Police Station – Bhanpuri, District Bastar (C.G.) for the offences punishable under Section 316(3) of the BNS 2023.



- 2.** The prosecution case, in brief, is that the complainant lodged an FIR against the applicant alleging that he had cultivated maize on his private land which, after ripening, was stored for the purpose of sale. The complainant's son, Chitlesh Kumar Baghel, had also purchased maize from other farmers in the village and stored the same in sacks for sale in the market or at a plant. On 25.11.2025, the complainant's son contacted the applicant, Rahiman, a resident of Rajnandgaon, with whom he had prior business dealings, for transportation of the maize. The applicant arrived at the complainant's house at Salemeta with his truck bearing registration No. CG-08-AF-6611, and approximately 33 tons of maize worth about Rs. 6,00,000/- was loaded into the vehicle. As it was late at night after loading, the vehicle was kept parked near the house. It is alleged that during the night of 25.11.2025, the applicant, being the owner-cum-driver of the vehicle, dishonestly and without informing the complainant, took away the truck along with the loaded maize, thereby committing breach of trust. When the complainant attempted to contact the applicant over the phone, he allegedly did not provide any satisfactory information and subsequently switched off his mobile phone.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that, as per the prosecution story itself, the complainant's son had called the applicant for transportation and sale of maize, and only upon such request did the applicant travel from Rajnandgaon to village Salemeta, Bastar (C.G.). It is further submitted that the complainant had directed the applicant to move the vehicle during night hours due to "No Entry" restrictions during the day. It is argued that the arrest



memo itself reflects absence of proper grounds for arrest, and despite there being no necessity or material justifying custodial interrogation, the applicant was arrested in violation of the guidelines laid down by the Hon'ble Supreme Court in Arnesh Kumar v. State of Bihar (2014). The applicant is stated to be a common, hardworking person of good character who merely followed the instructions of the complainant, and that due to lack of mobile network on highways, he could not immediately communicate after selling the maize, which led to misunderstanding. It is further contended that since the complainant had not received payment for the maize, a false complaint has been lodged due to misconception of facts. The alleged offence is triable by the Judicial Magistrate First Class and does not carry punishment of life imprisonment. The applicant is the sole breadwinner of his family, and prolonged detention would adversely affect their livelihood. He reserves his right to raise additional grounds at the time of hearing, is a permanent resident of the address mentioned in the cause title with movable and immovable property therein, and there is no likelihood of his absconding or tampering with prosecution witnesses. The applicant is ready to furnish adequate surety and undertakes to abide by all conditions that may be imposed by this Hon'ble Court while granting bail.

4. On the other hand, learned State counsel opposes the bail application of the applicant.
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 offence alleged against the present applicant, and also taking into account that the charge-sheet has been filed before the competent Court and that the applicant has been in jail since 29.11.2025, and further considering that the conclusion of the trial may take some more time, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.
7. Let the Applicant – **Rahiman Tikam Das Badabag** involved in Crime No.149/2025 registered at Police Station – Bhanpuri, District Bastar (C.G.) for the offences punishable under Section 316(3) of the BNS 2023, 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



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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