



2026:CGHC:20960



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HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2054 of 2026**

Dheeraj Sharma S/o Late Rewtiranman Sharma Aged About 28 Years R/o Gokuldharm Colony, District And Tehsil Raigarh, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Raigarh, Chhattisgarh.

... Non-Applicant

For Applicant : Mr. Ankur Seth, Advocate.

For Non-Applicant/State : Ms. Vaishali Mahilong, Deputy G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****05.05.2026**

1. This is the **Second Bail Application** filed under Section 483 of the BNSS, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 312/2025 registered at Police Station – City Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 331(4), 305, 238, 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The earlier bail application of the applicant being MCRC No. 8627/2025 was rejected by this Court vide order dated 31.10.2025 on merits with liberty to proceed and conclude the trial



expeditiously.

3. Case of the prosecution, in brief, is that the complainant Anup Agrawal lodged a written report dated 25.06.2025 at Police Station City Kotwali, Raigarh, stating that prior to 22.06.2025 he had gone out of Raigarh for the treatment of his wife, Shyama Agrawal. During the night of 22.06.2025, his son Aditya Agrawal was present in the house, and the present applicant, who was known to the family and used to stay at their house in their absence, also slept there. On the morning of 23.06.2025, the applicant left the house after informing Aditya, and thereafter the household staff noticed that Aditya was unwell and got him treated. On the night of 23.06.2025, two staff members, namely Ganesh and Rahul Bansod, stayed in the house. On 24.06.2025, when the complainant was returning via Jharsuguda Airport, Aditya discovered that four gold biscuits weighing 100 grams each, kept in an almirah on the second floor, were missing. Later that night, upon the complainant's return to Raigarh, Aditya informed him about the missing gold. On 25.06.2025 at about 2:45 PM, the complainant further found that the almirah in his office had been opened and a sum of Rs. 3,40,000/- along with two gold rings was missing, pursuant to which an FIR was registered against unknown persons under Sections 331(4) and 305 of the BNS. During the course of investigation, on 01.07.2025, stolen gold and silver articles along with other rings were recovered from the possession of co-accused Rizwan Ali, and on 15.07.2025, one Rahul Dalmia handed over a sum of Rs. 4,20,000/- stating that the same had been paid to him by the



present applicant towards certain purchases. Subsequently, on 11.08.2025, the present applicant was apprehended and his memorandum statement was recorded, and thereafter co-accused Mir Rizwan Ali was arrested on 12.08.2025, hence, the present bail application.

4. Learned counsel for the applicant submits that the earlier bail application of the applicant was rejected by this Court on merit with a direction to conclude the trial expeditiously. He further submits that the applicant is in jail since 11.08.2025 and so far as the status of the trial is concerned, out of 21 prosecution witnesses, only one prosecution witness has been examined in the case. He also submits that the applicant has no previous criminal antecedents. Hence, he prays for grant of bail to the applicant.
5. On the other hand, learned State Counsel opposes the bail application and submits that the present applicant is directly involved in the commission of the offence, as he had access to the house and was present on the intervening night when the incident occurred. It is further submitted that the stolen gold and other articles have been recovered during the course of investigation from the co-accused and a substantial amount of Rs. 4,20,000/- has been traced to the present applicant through Rahul Dalmia, establishing a clear nexus with the crime. The memorandum statement of the applicant and other material collected during investigation prima facie indicate his active involvement. Considering the gravity of the offence, the manner in which the theft



was committed, and the possibility of tampering with evidence or influencing witnesses, it is submitted that the applicant is not entitled to bail and the application deserves to be rejected.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case and also considering the fact that this is the second bail application and the earlier bail application of the applicant was rejected on merits with a direction to conclude the trial expeditiously and so far as the status of the trial is concerned, out of 21 prosecution witnesses, only one prosecution witness has been examined till date, further the applicant is in jail since 11.08.2025, he has no previous criminal antecedents, therefore, this Court is of the view that the applicant is entitled to be released on bail in this case.
8. Accordingly, the second bail application of the applicant is **allowed**. Let the Applicant – **Dheeraj Sharma**, involved in Crime No. 312/2025 registered at Police Station – City Kotwali, District Raigarh (C.G.) for the offence punishable under Sections 331(4), 305, 238, 317(5) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **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 her 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 concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**