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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1868 of 2026

Nilesh Tiwari Alias Sunil S/o Raju Tiwari Aged About 23 Years R/o Gali No. 1, Ward No. 7, Shankarpur, P.S. Chikhli, Tehsil And District Rajnandgaon, Chhattisgarh.

... **Applicant**

versus

State of Chhattisgarh Through P.S. Somni, Rajnandgaon, Chhattisgarh.

... **Non-applicant**

For Applicant : Mr. Anmol Gupta, Advocate.

For Non-applicant/State. : Mr. Sourabh Sahu, Panel Lawyer.

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 Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 223/2025 registered at Police Station Somni, District – Rajnandgaon (C.G.), for the offences punishable under Sections 303 and 3(5) of the Bhartiya Nyay Sanhita, 2023.
2. The prosecution case, in brief, is that on 14.09.2025, the complainant, Tungeshwar Sahare's son, Umesh Kr. Sahare, parked his motorcycle bearing No. CG-04-KC-2964 at around 6:00 PM inside the boundary wall



of their house. On the next morning, i.e., 15.09.2025, the motorcycle was not found in the yard. On the above-mentioned allegation, an FIR was lodged against unknown persons.

3. Learned counsel for the applicant submits that the applicant is an innocent person who has been falsely implicated in the case. He further submits that although the applicant has two criminal antecedents, he has already been granted regular bail in those cases by this Court. He further submits that no recovery of the alleged stolen vehicle was made from the possession of the applicant, that the applicant has been in jail since 25.09.2025, and that the conclusion of the trial may take some time. Therefore, he prays for grant of regular bail to the applicant.
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 submitted before the competent Court in the present case. He further submits that the present applicant has 02 criminal antecedents of the similar nature, shows that the applicant is a habitual offender, therefore, he is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, and the fact that though the applicant has two criminal antecedents, he has already been granted regular bail in those cases by this Court and further considering that no recovery of the alleged stolen vehicle was made from the possession of the applicant, the charge-sheet has already been submitted before the competent Court in the present case, that the applicant has been languishing in jail since 25.09.2025, and that the conclusion of the trial may take some more time, this Court is of the view that the applicant is entitled to be released on bail in this case.



7. Let the Applicant – **Nilesh Tiwari Alias Sunil**, involved in Crime No. 223/2025 registered at Police Station Somni, District – Rajnandgaon (C.G.), for the offences punishable under Sections 303 and 3(5) of the Bhartiya Nyay 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 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



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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**

Abhishek