



2026:CGHC:17889

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2058 of 2026**

- Kanti W/o Kamaluddin Aged About 50 Years R/o Junapara, Baikunthpur, Police Station And Tahsil Baikunthpur, District Koriya Chhattisgarh

**... Applicant(s)****versus**

- State of Chhattisgarh Through The Station House Officer, Police Of Police Station Charcha, District Koriya Chhattisgarh

**... Respondent(s)****(Cause title is taken from Case Information System)**


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For Applicant(s) : Mr. Anil Kumar Gulati, Advocate

For Respondent(s) : Mr. Soumya Rai, Dy.G.A.

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**Hon'ble Shri Ramesh Sinha, Chief Justice****Order on Board****20.04.2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as she has been arrested in connection with Crime No. 03/2026, registered at Police Station – Charcha, District – Koriya (C.G.) for the offence punishable under Sections 319(1), 318(4), 338, 336(1), 340(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The case of the prosecution, is that on the basis of written report lodge by complainant Nasima Begam, in which she has been alleged



that she is first wife of co-accused Kamaluddin and Kamaluddin deserted her and performed the second marriage with the present applicant and because of the reason that the maintenance amount has not been provided to her by Kamaluddin, she moved an application under section 125 of CRPC before the learned family Court and the learned family Court vide order dated 31-07- 2025, issued the RO to Manager Charcha Mines for not to release the amount of Rs.4,51,000/- which was the amount of Kamaluddin of CMPF and gratuity. That, it is alleged that the photo of present applicant was edited in the PEN Card and Adhar Card of complainant Nasima Begam and the amount of CMPF and gratuity etc was withdrawn. On the basis of written report, the police registered the alleged offences against the applicant and her husband namely Kamaluddin.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is no criminal antecedents registered against the present applicant. It is further submitted that the charge-sheet has not been filed in this case. The applicant is in jail since 28.01.2026 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there is no criminal antecedents registered against the present applicant, and the charge-sheet has not been filed in this case.
5. I have heard learned counsel for the parties and perused all of the documents available on record.



6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is no any criminal antecedents registered against the present applicant, the applicant is a lady aged about 50 years old and she is in jail since 28.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Kanti**, involved in Crime No. 03/2026, registered at Police Station – Charcha, District – Koriya (C.G.) for the offence punishable under Sections 319(1), 318(4), 338, 336(1), 340(2) read with Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), be released on bail on his furnishing **a 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



2026:CGHC:17889

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**

Vaishali