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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1997 of 2026

Ashish Yadav @ Ashu Yadav S/o Dukalu Yadav Aged About 19 Years R/o Labhandi, Housing Board Colony, Raipur, District - Raipur, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, Police Station - Devendra Nagar, District - Raipur, Chhattisgarh.

... Non-applicant

For Applicant : Mr. Shivendu Pandya, Advocate.

For Non-applicant/State. : Ms. Sameeksha Gupta, 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. 172/2025 registered at Police Station Devendra Nagar, District - Raipur (C.G.), for the offences punishable under Sections 331(4) and 305(a) of the Bhartiya Nyaya Sanhita, 2023.
2. The prosecution case is that the police arrested the present applicant along with the co-accused on suspicion of theft. The allegation against the present accused/applicant and the co-accused is that on the date of the incident, i.e., between 23.08.2025 and 24.08.2025 at about midnight,



they committed theft at the shop of the complainant, namely Mohinder Pal Singh Khurana. It is alleged that the present accused/applicant, along with the co-accused, stole cash and other articles amounting to Rs. 82,500/- from the shop of the complainant. The police registered an offence punishable under Sections 331(4) and 305(a) of the B.N.S. against the present accused/applicant and the co-accused in Crime No. 172/2025 with regard to the theft of the aforesaid articles. The police arrested the present accused/applicant solely on the basis of suspicion in connection with the alleged theft of the aforesaid articles.

3. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the present case. He further submits that the applicant has only one criminal antecedent of a similar nature, which also arises out of the same incident and is presently pending. He also submits that the applicant has been in custody since 03.09.2025 and that the conclusion of the trial is likely to take some time. Therefore, he prays for the 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. She further submits that the present applicant has 01 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 the applicant has only one criminal antecedent of a similar nature, which arises out of the same incident and is presently pending, and further considering that the charge-sheet has already been



submitted before the competent Court in the present case, and that the applicant has been languishing in jail since 03.09.2025, this Court, having regard to the period of detention already undergone and the likelihood that the conclusion of the trial may take some more time, is of the view that the applicant is entitled to be released on bail in the present case.

7. Let the Applicant – **Ashish Yadav @ Ashu Yadav**, involved in Crime No. 172/2025 registered at Police Station Devendra Nagar, District – Raipur (C.G.), for the offences punishable under Sections 331(4) and 305(a) of the Bhartiya 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 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



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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**

Abhishek