



2026:CGHC:9499



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1866 of 2026**

Aman Khan S/o Riyajul Khan Aged About 30 Years Properitor Of Ki And Ka, Office At Shop No. 1/2, Indira Gandhi Vyavsayik Parisar Kapda Market, Pandari, Tahsil And District Raipur C.G., R/o 24/812 Behind Mata Garage, Ashok Vihar Colony Pandari, Raipur, Tahsil And District Raipur C.G.

... Applicant**versus**

1 - State of Chhattisgarh Through The Station House Officer, Police Of Police Station Pandari, District Raipur C.G.

2 - Khushpal Singh Gil S/o Awtar Singh Gill Aged About 58 Years R/o B-21 Sector-3, Devendra Nagar Raipur Tehsil And District Raipur C.G.

... Non-Applicants

For Applicant	: Mr. Ramsajiwan, Advocate
For Non-Applicant/State	: Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****24.02.2026**

- The present applicant has filed this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of regular bail. The applicant has been arrested in connection with Criminal Appeal No. 261/2023 arising out of proceedings under Section 138 of the Negotiable Instruments Act, pertaining to Police Station Pandari, District Raipur (C.G.).



2. As per the prosecution case, the complainant has filed a complaint case before the learned Judicial Magistrate First Class, Raipur under Section 138 of the Negotiable Instruments Act, alleging that the accused/applicant, in discharge of a legally enforceable debt, issued Cheque No. 000046 for a sum of Rs. 25,00,000/- drawn on Kotak Mahindra Bank, Raipur Branch, which upon presentation was dishonoured on 10.11.2020. Despite service of statutory demand notice, the applicant failed to make payment within the stipulated period, thereby attracting the provisions of Section 138 of the NI Act. After full-fledged trial and appreciation of oral and documentary evidence, the learned trial Court vide judgment dated 12.10.2023 convicted the applicant for the aforesaid offence.
3. Being aggrieved by the judgment of conviction, the applicant preferred Criminal Appeal No. 261/2023 before the learned Appellate Court at Raipur. During pendency of the appeal, he was enlarged on bail. It is the case of the applicant that on 11.09.2025, on account of ill health, he moved an application seeking condonation of his non-appearance, which was allowed by the Appellate Court, however, the matter was fixed for the very next day i.e., 12.09.2025. On the said date also, the applicant filed an application under Section 279 of the BNS seeking condonation of absence, which came to be rejected. Consequently, the learned Appellate Court cancelled his bail bond and issued an arrest warrant. In execution of the said warrant, Police Station Pandari, Raipur arrested the applicant on 16.02.2026 and he was remanded to Central Jail, Raipur. Hence, the present bail application.



4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated. It is contended that the offence is under Section 138 of the NI Act, which is essentially of a financial nature, and the applicant had been regularly appearing before the Appellate Court and had never misused the liberty granted to him. It is further submitted that his absence was neither deliberate nor intentional but due to bona fide reasons, and therefore cancellation of bail was harsh and unsustainable. It is also submitted that the applicant is in custody since 16.02.2026 and is ready to abide by any condition imposed by this Court.
5. On the other hand, learned State counsel opposed the bail application and submitted that the applicant stands convicted by the learned trial Court. It is argued that despite being granted adequate opportunities by the learned Appellate Court, the applicant failed to appear on several dates, which led to cancellation of his bail bond and issuance of arrest warrant. It is further pointed out that the criminal appeal is now fixed for delivery of judgment on 25.02.2026, which fact has not been disputed by the learned counsel for the applicant. Therefore, at this advanced stage of the appellate proceedings, no indulgence is warranted and the application deserves to be rejected.
6. I have heard learned counsel for the parties and perused the record.
7. Upon consideration of the entire facts and circumstances of the case, it emerges that the applicant has already been convicted by the learned trial Court under Section 138 of the Negotiable Instruments Act vide judgment dated 12.10.2023. Thereafter, he



preferred an appeal and was enlarged on bail during pendency of the said appeal. The record further reveals that the applicant remained absent before the learned Appellate Court on multiple occasions. Though one application for condonation of absence was allowed on 11.09.2025, the applicant again failed to secure his presence on the subsequent date, leading to rejection of his application under Section 279 of the BNS, cancellation of bail bond, and issuance of arrest warrant. The applicant was ultimately arrested on 16.02.2026 in execution of the said warrant. It is also a significant factor that the criminal appeal is now fixed for delivery of judgment on 25.02.2026. In such circumstances, when the appellate proceedings have reached the advanced stage and the applicant had earlier defaulted in appearance despite grant of opportunities, this Court is not inclined to exercise discretion in favour of the applicant at this stage.

8. Accordingly, the present bail application filed by the applicant – **Kunal Bareth**, in connection with Criminal Appeal No. 261/2023 arising out of proceedings under Section 138 of the Negotiable Instruments Act, is hereby rejected.
9. Office is directed to transmit a certified copy of this order to the concerned Court for necessary information and compliance

Sd/-

(Ramesh Sinha)
Chief Justice