



2026:CGHC:12743



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2384 of 2026

Ashif Khan S/o Late Shri Nasir Khan Aged About 24 Years R/o Village Purani Basti Naila, Ward No. 04, Chauki Naila, P.S. Janjgir, Distt Janjgir Champa Chhattisgarh (Distt. Wrongly Mentioned In Order Impugned As Janjgir Champa)

... Applicant

versus

State Of Chhattisgarh Through Police Station Akaltara District Janjgir Champa Chhattisgarh

... Respondent

For Applicant	: Shri Syed Ishhadil Ali, Advocate.
For	: Ms. Vaishali Mahilong, Dy.G.A.
Respondent/State	

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

17/03/2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No.655/2025 registered at Police Station



Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 303(2), 317(2), 317(4), 61(2), 238, 3(5) of BNS, 2023.

2. Case of the prosecution, in brief, is that Crime No. 655/2025 has been registered at Police Station Akaltara against the applicant/accused Asif Khan under Sections 303(2), 317(2), 317(4), 61(2), 238, and 3(5) of the Bharatiya Nyaya Sanhita, 2023. The allegation is that the applicant, along with other co-accused, jointly cut and stole LT AB cables (50 sqmm) used for agricultural electricity supply from different locations within the Kotgarh Distribution Center area on various dates in November and December 2025. The stolen cables, weighing about 770 kg, were loaded into vehicle No. MP-07-JB-3358 for the purpose of sale, causing a loss of approximately Rs.4,44,736/- to the electricity company. It is further stated that the applicant and co-accused are also involved in similar offences registered as Crime No. 616/2025 and Crime No. 375/2025 at Police Station Akaltara under relevant provisions of the Bharatiya Nyaya Sanhita, 2023.
3. Learned counsel for the applicant submits that the entire prosecution case is false and fabricated, the FIR was initially registered against unknown persons, and the name of the applicant did not appear at the inception. He would submit that the applicant is a poor scrap collector by occupation and has no nexus with any organized theft and no incriminating article has



been recovered from the applicant, and there is no material evidence such as eyewitness account, CCTV footage, or independent witness to establish his involvement. He would submit that the applicant has two other criminal cases in the same police station in which the bail applications are filed which are listed today along with this bail application, charge sheet has been filed in this case, the applicant is in jail since 24/12/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court. She would submit that besides this case the applicant has two criminal antecedents which has been explained in para 4(a) of the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, submission of learned counsel for the parties, materials available on record, period of detention of the applicant since 24/12/2025 , charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, without commenting anything on the merits of the case, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is allowed and it is directed that



the Applicant-**Ashif Khan** involved in Crime No.655/2025 registered at Police Station Akaltara, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 303(2), 317(2), 317(4), 61(2), 238, 3(5) of BNS, 2023, 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 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 for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE