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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2290 of 2026**

Chhotu Khan @ Aashif Khan Momin S/o Abdul Majid Momin Aged
About 23 Years R/o Village- Madai, P.S.- Seepat, Khamaraiya, District-
Bilaspur (Cg)

... Applicant**versus**

State Of Chhattisgarh Through The Reserve Center Akaltara,
District- Janjgir-Champa(Cg)

... Respondent

For Applicant	: Ms. Deepali Gupta, Advocate
For State/ Respondent	: Mr. Saurabh Sahu, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****10/04/2026**

1. The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No.0525/2025, registered at Police Station : Akaltara, District-Durg Janjgir-Champa (C.G.) for the



offence punishable under Sections 309(4), 296, 115(2), 3(5), 312, 238(B) of the Bharatiya Nyaya Sanhita, 2023 and 25, 27 of Arms Act.

- 2.** The case of the prosecution, in brief, the prosecution case is that on 16.10.2025, certain unknown persons allegedly intercepted a truck within the jurisdiction of Police Station Akaltara, District Janjgir-Champa, and committed robbery of ₹85,000/-. During the course of investigation, the present applicant was apprehended on 18.12.2025 on suspicion of his involvement in the said offence, and it is alleged that he acted in concert with other co-accused persons in the commission of the crime. Upon completion of investigation, the police filed the charge-sheet on 11.02.2026 for the offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita and the Arms Act, and the matter is presently pending at the stage of committal before the competent Court.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated after an unexplained delay of about two months without any direct or credible evidence. It is further submitted that no recovery has been made from the applicant and no specific overt act has been



attributed to him. It is further contended that the FIR was initially registered against unknown persons and no CCTV or reliable material connects the applicant with the alleged offence. It is also further submitted that the applicant has no previous criminal antecedents.

4. Per contra, learned counsel for the State opposes the bail application and submits that the applicant is involved in a serious offence of robbery and his involvement has been revealed during the course of investigation. It is contended that the delay in identification or absence of CCTV footage or recovery is not fatal at the stage of bail and the same can be proved during trial. It is further submitted that considering the gravity of the offence, the applicant is not entitled to be enlarged on bail.
5. I have heard learned counsel for the parties and perused the case diary as well as the material available on record.
6. Taking into consideration the facts and circumstances of the case, the period of detention of the case i.e. on 18.12.2025, particularly the absence of any direct or cogent evidence against the applicant, the fact that no specific overt act has



been attributed to him, the unexplained delay in his implication, and the completion of investigation with filing of the charge-sheet, this Court is of the considered opinion that further custodial detention of the applicant is not warranted. Considering also that the applicant has no criminal antecedents, there is no material to indicate that he would abscond or tamper with prosecution evidence, and the trial is likely to take considerable time for its conclusion, this Court finds it a fit case to extend the benefit of bail to the applicant. Accordingly, the bail application is **allowed**.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant – **Chhotu Khan**, involved in Crime No.0525/2025, registered at Police Station : Akaltara, District-Durg Janjgir-Champa (C.G.) for the offence punishable under Sections 309(4), 296, 115(2), 3(5), 312, 238(B) of the Bharatiya Nyaya Sanhita, 2023 and 25, 27 of Arms Act be released on bail on furnishing **personal bond** with **two local 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 misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fail 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,



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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.

9. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.
10. Certified copy today.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Arpan