



2026:CGHC:18480



2026:CGHC:18480

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2301 of 2026**

Raja Vastrakar S/o Mangal Vastrakar Aged About 25 Years R/o
Jabdapara, Muktidham P.S. Sarkanda, Distt - Bilaspur Chhattisgarh

... Applicant**versus**

State of Chhattisgarh Through Civil Lines District - Bilaspur Chhattisgarh

... Non-Applicant

For Applicant : Mr. Badruddin Khan, Advocate.

For Non-Applicant/State : Mr. Saumya Rai, Deputy G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****22.04.2026**

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. 940/2025 registered at Police Station- Civil Lines District - Bilaspur, (C.G.) for the offence punishable under Sections 331(3), 305 and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story, in brief, is that the complainant Jitendra Kumar Dwivedi lodged a report at the Police Station stating that on the date of incident i.e. 17.08.2025, when he had gone to switch off



the pump near the old Chief Justice Bungalow situated at 27 Kholi, he heard some noise coming from inside the bungalow. Upon entering the premises, he allegedly found two persons dismantling and removing parts of the air conditioner, who, on seeing him, attempted to flee. Out of them, one person was apprehended on the spot, who disclosed his name as Omprakash Godkundey @ Gajju, while the other person who managed to escape was identified as Raja Vastrakar. It is alleged that both the accused persons had stolen copper wires of the air conditioner, steel railing, water taps and cloth hangers from the said bungalow and kept the same in their bag. On the basis of the report lodged by the complainant, an offence was registered and taken up for investigation. During the course of investigation, the accused Raja Vastrakar was interrogated and, on the basis of his memorandum statement, he is alleged to have admitted his involvement in the commission of the offence, and was thereafter arrested. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and he has been arrested solely on the basis of the memorandum statement of a co-accused, which has no substantive evidentiary value. It is further submitted that the applicant is the sole bread earner of his family and the entire family is dependent upon him for their livelihood. It is further submitted that though the applicant has 7 criminal antecedents pertaining to the period from 2021 to 2025, the same have been duly explained. It is further submitted that the applicant is in jail since 26.08.2025, the charge-sheet has been



submitted before the competent Court and the trial is likely to take considerable time to conclude. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned State counsel opposes the present bail application and submits that the charge-sheet has been submitted before the competent Court. He further submits that the applicant is involved in the offence of theft committed from the old Chief Justice Bungalow, wherein stolen articles such as copper wires of the air conditioner, steel railing, water taps and other items were recovered. It is further submitted that the co-accused was apprehended on the spot and during the course of investigation, on the basis of memorandum statement, the involvement of the present applicant has come on record. It is further submitted that the applicant has 7 previous criminal antecedents, which clearly shows that he is a habitual offender, and therefore, the applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case and the submissions made by learned counsel for the parties, though the applicant is alleged to be involved in the offence of theft from the old Chief Justice Bungalow and has criminal antecedents, but his implication is primarily based on the memorandum statement of the co-accused and no direct incriminating material has been brought on record against him. Further, the criminal antecedents of the



applicant have been duly explained, the charge-sheet has been filed before the competent Court, the applicant is in jail since 26.08.2025 and the trial is likely to take considerable time to conclude, therefore, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Raja Vastrakar**, involved in Crime No. 940/2025 registered at Police Station- Civil Lines District - Bilaspur, (C.G.) for the offence punishable under Sections 331(3), 305 and 3(5) of the Bharatiya 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 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan