



2026:CGHC:13804



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2695 of 2026**

Tirath Sonkar S/o Ajay Alias Chaituram Sonkar Aged About 24 Years
R/o- Shubhash Nagar, Near Shiv Temple, Durg, District Durg (C.G.)

... Applicant**versus**

State of Chhattisgarh Through By Collector Through SHO Police Station
Pulgaon, District- Durg (C.G.)

... Non-Applicant

For Applicant : Ms. Priya Sharma, Advocate.

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****23.03.2026**

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. 330/2025 registered at Police Station- Pulgaon, District- Durg, (C.G.) for the offence punishable under Sections 309(6), 308(2), 310(2) and 238 of the Bharatiya Nyaya Sanhita, 2023.
2. The prosecution story, in brief, is that the complainant had gone for a walk at about 09:30 PM and was taken by certain persons to



village Pisegaon on the pretext of showing a house, during the night, three boys, including one Sagar and two others, allegedly assaulted one Durgesh Bandhe and forcibly took away his mobile phone, and thereafter, using the said mobile phone, they allegedly started demanding money by impersonating the complainant's daughter Tanisha and Durgesh, and further threatened to make certain videos viral if an amount of Rs. 5,000/- was not paid, thereby blackmailing the victims, on the basis of the said allegations, an FIR has been registered for the aforesaid offences, and 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, no weapon has been recovered from his possession and his name does not find mention in the FIR. It is further submitted that the main allegation of robbery is against the other co-accused persons and the present applicant has been implicated only on the basis of memorandum statements of co-accused, which is not legally sustainable. It is also submitted that the evidence of material witnesses has already been recorded and they have not supported the prosecution case against the present applicant, and the primary allegation is against another co-accused namely Jamil. Further, no incriminating article or looted money has been seized or recovered from the possession of the applicant, the only allegation against the applicant is that he allegedly purchased stolen articles from the co-accused persons, and moreover, the applicant was not present at the spot at the time of the alleged incident. She further submits that



the present applicant has no previous criminal antecedents, the charge-sheet has been filed, he is in jail since 13.08.2025, and the trial is likely to take some time for its conclusion. Therefore, she prays for grant of bail to the applicant.

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. She further submits that the applicant is involved in the commission of the offence and has been rightly implicated during the course of investigation. It is contended that the involvement of the applicant has surfaced from the memorandum statements of co-accused persons and other material collected by the prosecution, which clearly establishes his complicity in the offence. It is further submitted that the nature and gravity of the offence is serious and, therefore, the applicant is not entitled to be released on bail at this stage.
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 that though the applicant, along with co-accused has committed the said crime, but considering the fact that the applicant is languishing in jail since 13.08.2025, he has no previous criminal antecedents and the charge-sheet has been submitted before the competent Court and the conclusion of the trial may take some more time, 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 – **Tirath Sonkar**, involved in Crime No. 330/2025 registered at Police Station- Pulgaon, District- Durg, (C.G.) for the offence punishable under Sections 309(6), 308(2), 310(2) and 238 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.



2026:CGHC:13804

(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