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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2455 of 2026**

1 - Sameer Patel S/o Santosh Patel, Aged About 22 Years R/o Village Charpara, P.S. Baloda, District- Janjgir- Champa Chhattisgarh.

2 - Umesh Singh Kanwar @ Lachchhu S/o Kushal Singh Kanwar, Aged About 40 Years R/o Village Charpara, P.S. Baloda, District- Janjgir- Champa Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through Station House Officer, Police Station Baloda District- Janjgir -Champa (C.G.)

... Non-applicant

For Applicants	: Mr. Rawindra Prakash Yadaw, Advocate
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****23.04.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 89/2026 registered at Police Station- Baloda District- Janjgir - Champa, (C.G.) for the offence under Sections 313(3), 305(1) and 3(5) of Bharatiya Nyay Sanhita, 2023.



2. The case of the prosecution, in brief, is that the complainant lodged a missing report at the concerned police station stating that on the date of the incident, i.e., 22.02.2026, at about 7:00–8:00 a.m., unknown persons committed theft of 06 Nag Volt batteries, having a total valuation of Rs. 27,000/-, from the office of the Toll Plaza situated at Four Lane, Police Station Baloda, District Janjgir-Champa (Chhattisgarh). On the basis of the said complaint, the police registered a case under Sections 313(3), 305(1) and 3(5) of the B.N.S. against unknown persons, and during the course of investigation, the present applicants were arrested on the basis of their memorandum statements. Hence, this bail application.
3. Learned counsel for the applicants submits that the present applicants are innocent and have not committed any of the offences as alleged by the prosecution. He further submits that they have neither committed theft of the alleged articles nor are they connected with the crime in any manner, the applicants have been falsely implicated merely on the basis of suspicion and their memorandum statements which are false and fabricated. It is also submitted that no ingredient of the offences punishable under Sections 313(3), 305(1) and 3(5) of the B.N.S. is made out against the applicants as the prosecution has failed to collect any sufficient material in support of its case, no incriminating article has been seized from their possession, the applicants have not acted in the manner alleged by the prosecution, thus, looking to the material available on record, no prima facie case is made out



against the present applicants. It is further submitted that the charge-sheet has been filed, they have no previous criminal antecedents and the applicants are in jail since 25.02.2026 and trial is likely to take quite long time for its conclusion, therefore, they pray for grant of bail to the applicants.

4. On the other hand, learned State counsel opposes the bail application of the present applicants and submits that the charge-sheet has already been filed in the present case before the competent Court. She further submits that the present applicants are involved in the commission of the offence and have been rightly implicated during the course of investigation. It is further submitted that the applicants were arrested on the basis of their memorandum statements and there is sufficient material collected by the prosecution connecting them with the alleged offence, and considering the nature and gravity of the offence, the applicants are not entitled to be released on bail.
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, nature and gravity of allegation levelled against the applicants and the fact that though the applicants are involved in the commission of the alleged offence of theft, but also considering the fact that the charge-sheet has been filed, they have no previous criminal antecedents and they are in jail since 25.02.2026, and trial is likely to take quite long time for its conclusion. Hence, this Court is



of the view that the applicants are entitled to be released on bail in this case.

7. Accordingly, the bail application of the applicants is **allowed**. Let the Applicants – **Sameer Patel** and **Umesh Singh Kanwar @ Lachchhu** involved in Crime No. 89/2026 registered at Police Station- Baloda District- Janjgir -Champa, (C.G.) for the offence under Sections 313(3), 305(1) and 3(5) of Bharatiya Nyay Sanhita, 2023, be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on



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the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

8. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Rahul Dewangan