



2026:CGHC:21493

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3131 of 2026**

1 - Shiva Verma S/o Late Arun Verma Aged About 20 Years R/o Near Bijali Office, Bajrang Para Police Chowki, Silyari, P.S. Dharisiwa, District Raipur Chhattisgarh.

2 - Rajendra Savra S/o Late Gopal Savra Aged About 25 Years R/o Near Bijali Office, Bajrang Para Police Chowki, Silyari, P.S. Dharisiwa, District Raipur Chhattisgarh.

... Applicants**versus**

State of Chhattisgarh Through- Station House Officer, Police Station Ganj, Raipur, District- Raipur (C.G.)

... Non-applicant

For Applicants : Mr. B.L. Sahu, Advocate

For Non-applicant/State : Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****07.05.2026**

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. 13/2026 registered at Police Station- Ganj, Raipur, District- Raipur, (C.G.) for the offence under Sections 331(4), 305(a) and 3(5) of Bharatiya Nyay Sanhita, 2023.

2. Case of the prosecution, in brief is that the complainant lodged a report before the concerned Police Station stating that on the date of the incident, some unknown persons had entered into his jewellery shop and committed theft of gold and silver ornaments kept therein. On the basis of the said report, the police registered the offence against unknown persons and initiated investigation into the matter. During the course of investigation, the present applicants came to be implicated in the case and were subsequently arrested on the basis of the memorandum statement recorded by the police. Hence, the present bail application.
3. Learned counsel for the applicants submits that the applicants are innocent persons and have not committed any of the offences alleged against them by the prosecution. It is further submitted that the present applicants have been implicated in the case only on the basis of the memorandum statement of the co-accused persons and the allegations made against them are false and baseless. He further submits that there is no sufficient material available on record to attract the ingredients of the offences punishable under Sections 331(4), 305(a) and 3(5) of the B.N.S. against the present applicants. It is also submitted that the prosecution has failed to collect any cogent and reliable evidence regarding the alleged theft and no stolen article has been seized from the possession of the present applicants. He submits that the applicants have been arrested merely on the basis of memorandum statements and they have not acted in the manner alleged by the prosecution. It is further submitted that the

applicant No.02 has no criminal antecedents and applicant No.01 has two criminal antecedents of the years 2023 and 2025 which are pending. It is further submitted that the charge-sheet has been filed and the applicants are in jail since 19.01.2026 and trial is likely to take quite long time for its conclusion, therefore, he prays 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 during the course of investigation, sufficient material has been collected against the present applicants indicating their involvement in the commission of the alleged offence. It is further submitted that the applicants were implicated on the basis of memorandum statements as well as other material collected during investigation, and the investigation has revealed their active participation in the theft committed in the jewellery shop. She further submits that the offence is serious in nature involving theft of valuable gold and silver ornaments and the investigation is still in progress. She further submits that the applicant No.1 has two previous criminal antecedents of the years 2023 and 2025. Considering the nature and gravity of the allegations and the role attributed to the applicants, it is not a fit case for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Considering the nature of allegations and the material available on record, and the fact that though the applicants are alleged to be involved in the commission of theft, but the implication of the applicants is primarily based on the memorandum statements of co-accused persons. Further, considering the fact that the charge-sheet has been filed, only applicant No.01 has two previous criminal antecedents of the years 2023 and 2025, which are pending and applicants are in jail since 19.01.2026, 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 – **Shiva Verma** and **Rajendra Savra** involved in Crime No. 13/2026 registered at Police Station- Ganj, Raipur, District- Raipur, (C.G.) for the offence under Sections 331(4), 305(a) 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 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