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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3275 of 2026**

Gaukaran Nishad S/o Shri Mantri @ Ramu Nishad Aged About 30 Years R/o Village- Thankhamharia, District- Kawardha (C.G.) Present Address - Near Koteswar Temple, P.S. Saraswati Nagar, Tahsil And District- Raipur (C.G.)

... Applicant**versus**

State of Chhattisgarh Through Police Station, Saraswati Nagar, Distt.- Raipur (C.G.)

... Non-applicant

For Applicant	: Mr. Pragalbha Sharma, Advocate.
For Non-applicant/State	: Ms. Ritika Verma, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****10.04.2026**

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 applicant who has been arrested in connection with Crime No. 263/2024 registered at Police Station – Saraswati Nagar, District Raipur (C.G.) offence under Sections 305(d) of the Bhartiya Nyay Sanhita, 2023.
2. The prosecution case is that, on 01.12.2024, the complainant, Smt. Sangita Sharma, lodged an FIR alleging that on 29.11.2024, between 6:00 PM and 7:00 PM, an unknown person had stolen a silver crown belonging to the deity at Shani Sheetla Temple, Karbala Talab, Choubey Colony, Raipur. Consequently, the present Crime/FIR No. 263/2024 was



registered against an “unknown” accused. The applicant was initially arrested on 01.12.2024 in connection with another matter (Crime No. 300/2024, P.S. Azad Chowk). It is alleged that, while in custody in the said case, the police recorded his memorandum statement, which led to his formal arrest in the present case on 20.12.2024 through a production warrant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He submits that in the present case out of the 11 prosecution witnesses, 5 have already been examined. Crucially, the complainant, Smt. Sangita Sharma (PW-1), in paragraphs 8 and 9 of her cross-examination, has categorically stated that she had never seen the accused either prior to or after the incident. He also submits that the complainant has explicitly testified that the individual seen in the CCTV footage is completely different from the applicant shown to her via video conferencing during the trial. The investigation is complete and the charge sheet has been filed. He further submits that the applicant is wholly innocent and has been falsely implicated based solely on a coerced disclosure statement recorded while he was in police custody in connection with a separate FIR. There is no direct, ocular, or corroborative evidence linking the applicant to the present crime. He submits that the case rests entirely on circumstantial evidence and alleged CCTV footage. PW-1 (complainant) has utterly failed to identify the applicant and has admitted on oath that the applicant does not match the person seen in the CCTV footage. Continuation of custody in light of such fragile evidence is unjust. He also submits that the present applicant has 01 criminal antecedents under the BNS in which the applicant has already been granted bail by the concerned trial Court. He also submits that the applicant is in jail since 20.12.2024, conclusion of



the trial may take some time, therefore, he prays for grant of regular bail to the present applicant.

4. On the other hand, learned State counsel opposes the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.
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 the present applicant has 01 criminal antecedents under the BNS in which the applicant has already been granted bail by the concerned trial Court. Moreover, the fact that in the present bail application the charge-sheet has been filed before the competent Court and the present applicant has been in jail since 20.12.2024, 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 bail in this case.
7. Let the Applicant – **Gaukaran Nishad**, involved in Crime No. 263/2024 registered at Police Station – Saraswati Nagar, District Raipur (C.G.) offence under Sections 305(d) of the Bhartiya Nyay Sanhita, 2023, be released on bail on his 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.



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(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 send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

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