



2026:CGHC:21019



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3221 of 2026**

Omprakash@Om S/o Vishram Singh, Aged About 27 Years, Caste- Kanwar,
R/o Jamnimuda Khalpara, Police Station- Pali, District - Korba (CG)

... Applicant**versus**

State of C.G. Through Station House Officer, Police Station Baikunthpur,
District- Korea (CG)

... Non-Applicant

For Applicant : Mr. Pawan Shrivastava, Advocate.

Non-Applicant/State : Ms. Vaishali Mahilong, Deputy Government Advocate.

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

05.05.2026

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 applicant who has been arrested in connection with Crime No. 242/2025 registered at Police Station - Baikunthpur, District- Korea, (C.G.), for the offences punishable under Sections 331(4), 305(e), 112, 317(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023.
2. The prosecution case, in brief, is that the complainant, Rishi Kumar Jaiswal, lodged a report on 12.07.2025 stating that he runs a Fair Price Shop in Village Jilda. After distributing ration on 05.07.2025, he locked the shop and returned home. On 06.07.2025 at about 08:00 AM, when he came to open the shop, he found that unknown persons had committed theft of 5.22 quintals of rice and 13.10 quintals of gram, with a total value



of Rs.48,500/-. Based on this complaint, the police registered an FIR for offences under Sections 305(d) and 331(4) of the Bharatiya Nyaya Sanhita (BNS) and initiated investigation. During the course of investigation, it was revealed that about eight persons, including the present applicant, were involved in committing the alleged offence. The police arrested the co-accused persons along with the present applicant, who is currently in judicial custody. After completion of the investigation, a charge sheet has been filed for offences punishable under Sections 331(4), 305(e), 112, 317(2), and 3(5) of the BNS, and the matter is presently pending before the Trial Court.

3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the aforesaid case. He further submits that the applicant nothing has been seized from the exclusive possession of the applicant and his name has been falsely written in the case because in the night of the date of the incident the applicant was seen with the other co-accused of the case and the Police made him accused only because the applicant having previous criminal antecedents of similar nature (i.e. theft-related offences). He also submits that the other co-accused person, namely, Indrapal Sahu has already been granted regular bail by this Court in MCRC No. 1217/2026 vide order dated 04.02.2026 and the applicant is in jail since 25.09.2025. He further submits that the applicant has five previous criminal antecedents, explanation of the same has been given through covering-memo. Therefore, he submits that the present applicant is also entitled to be released on regular bail on the ground of parity.
4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case but he could not dispute the fact that the co-accused has already been



granted bail by this Court.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature of allegations and the material available on record, the fact that the other co-accused person, namely, Indrapal Sahu has already been granted regular bail by this Court in MCRC No. 1217/2026 vide order dated 04.02.2026, the applicant has five previous criminal antecedents, explanation of the same has been given through covering-memo, the charge-sheet has been filed in the present case and the applicant is in jail since 25.09.2025, therefore, this Court is of the view that the present applicant is entitled to be released on bail in this case on the ground of parity.
7. Accordingly, the bail application is **allowed**. Let the Applicant – **Omprakash@Om**, involved in Crime No. 242/2025 registered at Police Station - Baikunthpur, District- Korea, (C.G.), for the offences punishable under Sections 331(4), 305(e), 112, 317(2) and 3(5) of Bharatiya Nyaya 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 she 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 her



counsel. In case of her absence, without sufficient cause, the trial court may proceed against her under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her 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 her, 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 her 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**