



2026:CGHC:23046



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
MCRC No. 3304 of 2026

1 - Moh. Shamim S/o Moh. Ramzaan Aged About 50 Years R/o
Narayanpur, Police Station - Ramanujnagar, District - Surajpur (C.G.)

... Applicant(s)

versus

1 - State Of Chhattisgarh Through Station House Officer - Khadgaon,
District- M.C.B. (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Awadh Tripathi, Advocate

For Respondent(s) : Ms. Vaishali Mahilong, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

14.05.2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 32/2026, registered at Police Station – Khadgaon, District – M.C.B. (C.G.) for the offence punishable under Sections 316(2), 318(3) & 317(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The prosecution case, in brief, is that on 07.03.2026, the complainant appeared before Police Station Khadgaon and submitted a written complaint alleging that about 3–4 months prior thereto, accused Vikash Jaiswal, a resident of Baikunthpur,



approached him stating that railway work was being carried out at Jajawal, Balrampur, for which tractors and trolleys were required on rent at the rate of Rs.25,000/- per month. Being induced by the said assurance, the complainant handed over his tractor bearing registration No. CG 16 CL 6411 and trolley bearing registration No. CG 16 CM 9434 to Vikas Jaiswal and also paid an advance amount of Rs.20,000/- towards documentation and other formalities. It is alleged that thereafter Vikas Jaiswal neither completed any documentation nor paid any rent amount and continuously misled the complainant. Subsequently, the complainant came to know that Vikas Jaiswal had similarly obtained tractors and trolleys from several other persons on the pretext of taking them on rent and had neither paid rent nor returned the vehicles and had allegedly sold the same to third parties. On the basis of the aforesaid complaint, Crime No. 32/2026 was registered and investigation was undertaken. During the course of investigation, accused Vikas Jaiswal was arrested and, on the basis of his memorandum statement, it was alleged that the present applicant had purchased the stolen trolley of the complainant from the main accused, pursuant to which the applicant was arrested on 23.03.2026. 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. It is submitted that the principal allegations are against co-accused Vikas Jaiswal, who allegedly obtained the tractor-trolleys of the



complainant and other persons on the pretext of providing them on rent and thereafter misappropriated the same, and no such allegation has been levelled against the present applicant. It is further submitted that the applicant has not been named in the FIR and his arrest is solely based upon the memorandum statement of co-accused Vikash Jaiswal. Learned counsel further submits that no fraudulent promise or assurance regarding payment of rent was ever made by the present applicant to the complainant in relation to the hiring of the tractor-trolley. The only allegation against the applicant is that he had purchased the trolley in question from co-accused Vikas Jaiswal, who dishonestly represented himself to be the lawful owner thereof, pursuant to which an agreement to sale was executed between them, a copy whereof has been filed as Annexure A/3. It is also submitted that the applicant is a permanent resident of the address mentioned in the cause title and, therefore, there is no likelihood of his absconding or tampering with the prosecution evidence or influencing the witnesses.

4. On the other hand, learned State counsel, appearing for the non - applicant/State, opposes the prayer for grant of regular bail to the applicant.
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Considering the submissions advanced by learned counsel for the applicant, particularly the fact that there is no direct evidence,



documentary evidence, recovery or seizure connecting the applicant with the alleged offence and that the implication of the applicant is based solely on the memorandum statement of co-accused Vikas Jaiswal, coupled with the fact that the complainant has categorically stated that he neither knows the applicant nor had any transaction with him and stating that no complaint has been made against the present applicant. Further, the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant, the applicant is in jail since 23.03.2026 and conclusion of the trial is likely to take some time, therefore, this Court is inclined to grant anticipatory bail to the applicant.

7. Let applicant, **Moh. Shamim**, involved in Crime No. 32/2026, registered at Police Station – Khadgaon, District – MCB (C.G.) for the offence punishable under Sections 316(2), 318(3) & 317(2) of the BNS, be released on bail on his furnishing **a 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.

(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