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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3553 of 2026

Mohammad Rashid Shah @ Babu S/o Late Ali Mohammad, Aged About 46 Years R/o Village- Ranpur Khurd, Police Station And Tahsil-Ambikapur, District-Surguja (C.G.)

...Applicant

versus

State Of Chhattisgarh Through Station House Officer, Police Station-Ambikapur, District-Surguja(C.G.)

... Non-applicant

For Applicant	:	Mr. Malay Shrivastava, Advocate.
For Non-applicant/State	:	Ms. Anusha Naik, Dy. G.A.

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

20.04.2026

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. 10/2026 registered at Police Station- Ambikapur, District- Surguja (C.G.) for the offence punishable under Sections 420, 467, 468, 201 of IPC.
2. Case of the prosecution, in brief is that approximately 15–20 years ago, an agreement to sell was executed between the applicant and the



complainants, under which the complainants were in possession of the land. It is further alleged that when the government removed the complainants from possession, they discovered that the applicant had committed forgery in relation to the agreement. Thereafter the matter was registered against the applicant for offence under Sections 420, 467, 468 and 201 of IPC.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in this case. He further submits that the photocopy of the so called agreement to sell was seized by the police from the complainants and it was alleged by the complainants that the original was destroyed by the applicant and they are in possession of the photocopy only. As per the FIR, the offence has been committed in the year 2008 and they are in possession since 2008 and after lapse of 18 years the FIR was lodge against the applicant. Earlier the complainants have filed an application before the Forest Department for grant of lease to the complainants, but when the application was filed seeking the copy of the application, the same has not been provided. The applicant is in jail since 04.01.2026, charge-sheet has been filed in this case and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.
- 4.** On the other hand, learned State counsel opposes the bail application of the present applicant and submits that the charge -sheet has already been submitted before the competent Court in the present case. He further submits that is one criminal antecedent against the applicant and the same are pending, therefore, the present applicant is not entitled for grant of 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 and as submission made by learned counsel for the applicant that the applicant has one criminal antecedent, which is pending and charge-sheet has been filed in this case and also considering the fact that the present applicant is in jail since 04.01.2026 and conclusion of the trial is likely to take some time, therefore, I am inclined to grant regular bail to the present applicant.
7. Let the Applicant –**Mohammad Rashid Shah @ Babu** involved in 10/2026 registered at Police Station-Ambikapur, District- Surguja (C.G.) for the offence punishable under Sections 420, 467, 468 and 201 of IPC, be released on bail on 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.
 - (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



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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.

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