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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4287 of 2026**

1 - Junaid Alam S/o Late Nazir Hussain Aged About 23 Years R/o Saitangar Toli Lodam, Police Station Lodam, District Jashpur Chhattisgarh

2 - Afsaar S/o Late Safiulla Aged About 35 Years R/o Saitangar Toli Lodam, Police Station Lodam, District Jashpur, Chhattisgarh

... Applicant(s)**versus**

1 - State of Chhattisgarh Through Police Station In Charge, Kotwali, Ambikapur, District Sarguja Chhattisgarh

... Respondent(s)**(Cause title is taken from Case Information System)**

For Applicant(s) : Ms. Deepali Gupta, Advocate

For Respondent(s) : Ms. Smriti Shrivastava, Panel Lawyer

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

1. The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.901/2025, registered at Police Station – Kotwali, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Sections 303(2), 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. That, as per the prosecution story, in brief, is that on the basis of a



written complaint lodged by the complainant, Parmanand Tiwari, a FIR bearing Crime No. 901/2025 was registered at Police Station Kotwali, Ambikapur under Section 303(2) of the BNS. It is alleged that on 26.11.2025 in the evening, the complainant had tied his two cows outside his house at Mission Chowk, Kedarpur, Ambikapur. On the next morning i.e. 27.11.2025, both the cows were found missing, leading to suspicion of theft and registration of the report. During investigation, it was revealed that the accused persons, acting in furtherance of their common intention and as part of an organized group, stole the cattle by loading them into a white Scorpio vehicle and transported them to cattle markets in Jharkhand, where they were sold. The sale proceeds were then distributed among the members of the group. It is further the case of the prosecution that the accused persons are members of an organized criminal syndicate, and therefore Section 111 of the BNS has also been invoked. Hence, the bail application the alleged kingpins/financiers of the gang are yet to be arrested. Hence, the bail application and pass such other order(s) as may be deemed fit and proper in the interest of justice.

3. It is argued by the learned counsel for the applicants that the applicants are innocent and have falsely been implicated in this case and there is one criminal antecedents registered against the present applicant bearing crime No.42 of 2024, at Police Station – Lodam and applicants No.2 & applicant No.1 subsequently both applicants have been implicated in another case bearing crime No.14 of 2026 registered at Police Station-Ambikapur, District – Surguja (C.G.) and details of the same are mentioned in the bail application at paragraph No.4(A). He also submits that co-accused persons, namely Raifaz (MCRC No.3040 of 2026), Adam Shah (MCRC No. 3031 of



2026), Ajhar Khan @ Ajharuddin & Takir Khan (MCRC No.2590 of 2026) and Shoyed @ Shoib (MCRC No.2545 of 2026). It is further submitted that the charge-sheet has been filed in this case. The applicant is in jail since 06.01.2026 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail on the ground of parity.

4. On the other hand, the learned State counsel opposes the bail application and submits that there are two criminal antecedents registered against the applicant No.1 and only one criminal antecedent registered against the applicant No.2 and details of the same are mentioned in the bail application at paragraph No.4(a). She further submits that the charge-sheet has been filed in this case before the competent Court and she could not dispute the fact that co-accused persons, namely Raifaz (MCRC No.3040 of 2026), Adam Shah (MCRC No. 3031 of 2026), Ajhar Khan @ Ajharuddin & Takir Khan (MCRC No.2590 of 2026) and Shoyed @ Shoib (MCRC No.2545 of 2026).
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and also considering the fact that co-accused persons, namely Raifaz (MCRC No.3040 of 2026), Adam Shah (MCRC No. 3031 of 2026), Ajhar Khan @ Ajharuddin & Takir Khan (MCRC No.2590 of 2026) and Shoyed @ Shoib (MCRC No.2545 of 2026), the applicants are in jail since 06.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application on the ground of parity.



7. Let applicant No.1 – **Junaid Alam** and applicant No.2 – **Afsaar** involved in Crime No.901/2025, registered at Police Station – Kotwali, Ambikapur, District – Sarguja (C.G.) for the offence punishable under Sections 303(2), 111 of the Bharatiya Nyaya Sanhita, 2023 (BNS), be released on bail on his furnishing **a personal bond** with **two sureties each** 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



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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

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