



2026:CGHC:21675

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4324 of 2026**

Prakash @ Sagar @ Cheme Sarathi S/o Sunila Sarathi Aged About 23 Years R/o Turrupara Dharamjaigarh, P.S. Dharamjaigarh, Distrtict Raigarh, C.G.

... Applicant**versus**

State of Chhattisgarh Through- Station House Officer S.H.O. P.S. Dharamjaigarh District- Raigarh C.G.

... Non-Applicant

For Applicant	: Mr. Ashutosh Biswas, Advocate
For Non-Applicant/State	: Mr. Saurabh Sahu, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****08.05.2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 203/2025 registered at Police Station- Dharamjaigarh, District- Raigarh, (C.G.) for the offence punishable under Sections 331(4), and 305(A) of the Bharatiya Nyaya Sanhita, 2023.
2. As per the prosecution story, it is alleged that during the intervening period of 24.07.2025 to 25.07.2025, the present applicant committed theft by trespassing into the house of the complainant



namely Ankur Kumar Gupta and stole cash amounting to Rs.15,000/- along with two bags containing utensils worth approximately Rs.10,000/-. On the basis of the said allegations, the police registered an offence against the applicant under Sections 331(4) and 305(a) of the Bharatiya Nyaya Sanhita (BNS) vide Crime No. 203/2025 at Police Station Dharamjaigarh, District Raigarh (C.G.). After completion of investigation, charge-sheet has been filed before the competent Court. Hence, the present bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and has no involvement whatsoever in the alleged offence. It is further submitted that there is no strong prima facie material available on record against the applicant on the basis of the evidence collected during investigation. He submits that there is no independent or reliable eyewitness to the alleged incident and the entire prosecution case is based solely upon circumstantial evidence, which is weak, incomplete and insufficient to establish the guilt of the applicant. It is further submitted that a bare perusal of the FIR itself would reveal that there is no specific incriminating material against the present applicant. It is also submitted that the applicant is a labourer by occupation and earns his livelihood through daily wage work and due to his continued incarceration, his family members, who are entirely dependent upon his earnings, are facing severe financial hardship. He further submits that the present applicant has three previous criminal antecedents out of which he



has already been acquitted in two cases, the charge-sheet has been filed before the competent Court, he is in jail since 29.07.2025, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. He further submits that the present applicant is involved in a serious offence of house trespass and theft, wherein cash and household utensils were stolen from the house of the complainant during the night hours. It is further submitted that during the course of investigation, sufficient material has been collected against the applicant regarding his involvement in the alleged offence and he has three previous criminal antecedents, which shows that he is a habitual offender. Therefore, considering the gravity of the allegations, the applicant does not deserve to be enlarged on 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, nature and gravity of allegation levelled against the applicant and the fact that though the applicant is involved in the commission of the alleged offence of house trespass and theft, wherein cash and household utensils were stolen from the house of the complainant, but also considering the fact that the applicant is languishing in jail since 29.07.2025, he has three previous criminal antecedents out of



which he has already been acquitted in two cases, and the charge-sheet has been submitted before the competent Court and the 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 regular bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the applicant - **Prakash @ Sagar @ Cheme Sarathi**, involved in Crime No. 203/2025 registered at Police Station- Dharamjaigarh, District- Raigarh, (C.G.) for the offence punishable under Sections 331(4), and 305(A) of the Bharatiya Nyaya Sanhita, 2023, 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith

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

Rahul Dewangan