



2026:CGHC:21413

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4239 of 2026**

Ritesh Kumar Tiwari S/o Badri Prasad Tiwari Aged About 30 Years R/o Bujuri Police Station And Tehsil Bijuri District Annuppur (M.P.)

**... Applicant****versus**

State of Chhattisgarh Through Station House Officer, P.S. - Manipur, Distt-Sarguja (C.G.)

**... Non-applicant**

---

For Applicant : Ms. Chetna Sharma, Advocate.  
For Non-applicant/State : Ms. Sameeksha Gupta, Panel Lawyer.

---

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

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. 309/2025 registered at Police Station - Manipur, District - Sarguja (C.G.) offence under Sections 302(2) and 111(1) of the Bhartiya Nyay Sanhita, 2023.
2. The prosecution story, in brief, is that the a report was lodged stating that approximately 300 litres of diesel, valued at about Rs. 28,350/-, was stolen from Truck No. CG15 DY8111 between 11:00 PM on 08.11.2025 and 04:50 AM on 09.11.2025 by two unknown thieves while the vehicle was parked at Munna Garage, Ring Road, Darripara, Ambikapur. On the



basis of the said report, Crime No. 309/2025 was registered for the offence punishable under Section 303(2) of the BNS against the present applicant.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. She submits that, on the basis of a separate incident in which the present applicant has also been falsely implicated, he has been arrested in the present crime number while he was already in custody. She further submits that no seizure has been made from the possession of the applicant, except for his mobile phone, in connection with the present case. It is submitted that, merely to close the investigation in the present crime number, the applicant has been shown as arrested while he was already in custody in another crime number involving similar allegations. In fact, the applicant has been made a scapegoat so that the police may avoid conducting any proper further investigation and close the case without due inquiry. She further submits that the FIR was initially registered against unknown persons, and the present applicant has been implicated solely on the basis of the memorandum statement of the co-accused. She submits that the present applicant has 02 criminal antecedents under the BNS, which are pending cases, and explanations thereof have been provided in paragraph No. 4(a) of the present bail application. The applicant has been in custody since 17.11.2025, and the conclusion of the trial is likely to take considerable time. Therefore, she prays for grant of regular bail to the applicant.
4. On the other hand, learned State counsel opposes the bail application and submit that the charge-sheet has been filed in the present case before the competent Court.
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, particularly the fact that the name of the present applicant has been arrayed in the present case solely on the basis of the memorandum statement of the co-accused person, this Court further notes that the criminal antecedents attributed to the applicant are stated to be pending trials, explanations whereof have also been furnished in paragraph No. 4(a) of the present bail application. Moreover, the charge-sheet has already been filed before the competent Court, the applicant has been in custody since 17.11.2025, and the conclusion of the trial is likely to take considerable time. Therefore, this Court is of the considered view that the present applicant is entitled to be released on bail in the present case.
7. Let the Applicant – **Ritesh Kumar Tiwari**, involved in Crime No. 309/2025 registered at Police Station – Manipur, District - Sarguja (C.G.) offence under Sections 302(2) and 111(1) of the Bhartiya Nyay Sanhita, 2023, be released on bail on his furnishing **personal bond** with **two local 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**