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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5318 of 2026

Mohmmad Ujer @ Ujiji Khan S/o Usman Khan Aged About 37 Years R/o Village Singar P.S. Bichhor, District- Newat Nuh (Hariyana) At Present R/o Ward No. 8, Houj Khas Mihrouli, South Delhi (Delhi) ... **Applicant**

versus

State Of Chhattisgarh Through P.S. Khamtarai District- Raipur (C.G.)

...**Non-applicant**

For Applicant	: Ms. Nilu Kumari Singh, Advocate.
For Non-applicant/State	: Mr. Priyank Rathi, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

18.06.2026

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. 370/2025 registered at Police Station – Khamtarai District - Raipur (C.G.), for the offences punishable under Section 303(2) & 3(5) of the



BNS.

- 2.** As per the prosecution case, the present matter arises out of Crime No. 370/2025 registered at Police Station Khamtarai, District Raipur (C.G.), for the offences punishable under Sections 303(2) and 3(5) of the BNS. It is alleged that on 21.04.2025, between 06:00 PM to 08:00 PM, an unknown person committed theft of a motorcycle bearing registration No. CG 04 NB 9062 (Hero Splendor Plus), which was parked by the complainant. On discovering the theft, the complainant lodged an FIR on 22.04.2025 at Police Station Khamtarai. During the course of investigation, the police allegedly traced the involvement of the present applicant along with other co-accused persons in the commission of the said offence. It is further alleged that the applicant was involved in similar incidents of vehicle theft and was part of a group engaged in such activities. On the basis of such allegations, the applicant came to be arrested and implicated in the present case. That the applicant is innocent and has been falsely implicated in the present case; there is no direct evidence connecting the applicant with the alleged theft.
- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that, as per the prosecution story itself, the alleged incident was committed by an unknown person and the name of the present applicant surfaced only during the course of investigation, which creates serious doubt regarding his involvement in the alleged offence. It is further submitted that no incriminating article has been recovered from the conscious possession of the applicant and there is



no legally admissible evidence available on record to substantiate the allegations against him. The alleged involvement of the applicant is based merely on suspicion and conjectures, which are insufficient to establish a prima facie case. It is also submitted that the applicant has been in judicial custody since 22.04.2025 and the investigation has substantially progressed. The applicant is a permanent resident of the address mentioned in the cause title, has deep roots in society, and there is no likelihood of his absconding or tampering with the prosecution evidence or influencing witnesses. The applicant undertakes to cooperate with the trial and is ready and willing to furnish adequate surety and abide by all such terms and conditions as may be imposed by this Hon'ble Court while granting him the benefit of bail.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the applicant has one previous criminal antecedent, therefore, he is not entitled to the grant of regular bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, the nature and gravity of the offence alleged against the applicant, and further taking into account the period of detention, as the applicant has remained in judicial custody since 22.04.2025, and the fact that the charge-sheet has already been filed before the competent Court, and that the conclusion of the trial is likely to take considerable time, this Court is inclined to grant regular bail to the applicant.



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7. Let the Applicant – **Mohmmad Ujer @ Ujji Khan**, involved in Crime No. 370/2025 registered at Police Station – Khamtarai District - Raipur (C.G.), for the offences punishable under Section 303(2) & 3(5) of the BNS, 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