



2026:CGHC:24689



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5280 of 2026**

Lavlesh Nirmalkar S/o Shri Madho Nirmalkar Aged About 26 Years R/o Village
Bijabhata Police Station And Tehsil Kunda District Kabirdham (C.G.)

... Applicant**versus**

State of Chhattisgarh Through- District Magistrate Kabirdham (C.G.)

... Non-applicant

For Applicant : Syed Afaque Hussain Rizvi, Advocate.

For Non-Applicant/State : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****18.06.2026**

1. This is the second 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. 219/2025 registered at Police Station Kunda, District – Kabirdham (C.G.), for the offence punishable under Sections 62, 305(a), 331(4), 324(3) of the Bhartiya Nyaya Sanhita, 2023 and Section 3 of the P.D.P.P. Act.
2. The earlier bail application of the applicant has been rejected by this



Hon'ble Court vide order dated 07.05.2026 passed in MCRC No. 4236 of 2026 on merits.

3. As per the prosecution case, in brief, the complainant, Rajendra Kumar Dahire, lodged a report at Police Station Kunda stating that on 14.11.2025 at about 5:30 PM, after completing the bank's work, he along with the other employees locked the bank premises and left for their respective residences. On 15.11.2025 at about 2:00 AM, information was received from a nearby villager that some unknown persons had broken open the bank door, switched off the outside lights, changed the direction of the CCTV cameras, and that sounds were coming from inside the bank premises. On the basis of the said report, a crime was registered for offences punishable under Sections 62, 305(a), and 331(4) of the Bharatiya Nyaya Sanhita, 2023, and investigation was undertaken. During the course of investigation, offences under Section 324(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Prevention of Damage to Public Property Act, 1984 were also added. Thereafter, the memorandum statement of the present applicant was recorded, he was arrested, produced before the learned Trial Court, and subsequently remanded to judicial custody.
4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the case. He submits that this is the second bail application on behalf of the applicant which is being preferred on the ground that the applicant has been arrested solely on the basis of the memorandum statement. It is evident from the prosecution case that there is no material to show his involvement in the alleged offence, and he was not present at the spot at the time of the incident. The applicant is a young man aged about 26 years and is a student. His mother is also suffering from illness and requires his care



and support. The applicant is innocent and has not committed the alleged offence. He also submits that at the relevant time, the applicant was travelling to Hyderabad for work during the night. Moreover, the prosecution has not produced any CCTV footage or photographs connecting the applicant with the alleged offence. Apart from the above, the evidence collected by the prosecution is not prima facie sufficient to establish the guilt of the applicant in the alleged offence. The complainant and two other prosecution witnesses have already been examined before the learned Trial Court. They have not fully supported the prosecution case and have not identified the present applicant as being involved in the alleged offence. He submits that the applicant has no criminal antecedents and he is in jail since 15.11.2025, conclusion of the trial is likely to take some more time. Therefore, he prays for grant of regular bail to the applicant.

5. Learned counsel appearing for the State/non-applicant would oppose the bail application of the applicant.
6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Considering the above submissions, as the prosecution witness have been turned hostile, the same cannot be a ground for releasing the applicant on bail, therefore, I am not inclined to grant regular bail to the present applicant.
8. Accordingly, the second bail application of the applicant - **Lavlesh Nirmalkar**, involved in Crime No. 219/2025 registered at Police Station Kunda, District – Kabirdham (C.G.), for the offence punishable under Sections 62, 305(a), 331(4), 324(3) of the Bhartiya Nyaya Sanhita, 2023 and Section 3 of the P.D.P.P. Act, is **rejected**.



9. 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**

Abhishek