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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 5645 of 2026**

1 - Jain Markam @ Bajrangi S/o Late Chand Markam Aged About 20 Years R/o Behind Of R. T. O Office Dewarpara Rawanbhatha, Police Station Khamtarai District- Raipur (C.G.)

2 - Shera Nagarchi S/o Bauwa Nagarchi Aged About 22 Years R/o Behind Of R. T. O. Office Dewarpara Rawanbhatha Police Station Khamtarai District- Raipur (C.G.)

... Applicants**versus**

State of Chhattisgarh Through- S.H.O. Police Station Khamtarai District- Raipur (C.G.)

... Non-Applicant

For Applicants	: Mr. Arun Kumar Shukla, Advocate
For Non-Applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****29.06.2026**

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 applicants who have been arrested in connection with Crime No. 243/2026 registered at Police Station – Khamtarai, Raipur, District- Raipur, (C.G.) for the offence punishable under Sections 305, 331(4), 3(5) of the Bharatiya Nyaya



Sanhita, 2023.

2. The facts of the prosecution case, in brief, are that the complainant, who was employed in a transport company and was entrusted with the custody and maintenance of the goods stored in the company's warehouse, lodged a report stating that on 06.04.2026, after completing his duties, he locked the warehouse at about 5:00 p.m. and left for his residence. On 10.04.2026, at about 10:00 a.m., when he returned to the warehouse, he found that the lock of the shutter had been broken and unknown person(s) had unlawfully entered the premises and committed theft of various electrical and hardware items, including G.I. materials, cables, and LED battens, valued at approximately Rs.95,000/-. On the basis of the said report, the concerned police registered a case against unknown persons for the offences punishable under the relevant provisions of the Bharatiya Nyaya Sanhita, 2023. During the course of investigation, the present applicants came to be implicated and were arrested in connection with the aforesaid crime. Hence, the present bail application.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case without there being any credible material to connect them with the alleged offence. It is contended that the FIR was initially registered against unknown persons and that the applicants have been implicated merely on the basis of suspicion. It is further submitted that the applicants have not committed the alleged offence, no



incriminating article has been recovered or seized from their exclusive possession, and the alleged seizure and memorandum prepared by the investigating agency are false and fabricated. He further submits that the prosecution has failed to collect any reliable or prima facie evidence establishing the involvement of the applicants in the alleged crime. It is further submitted that co-accused, namely, Shiva Nagarchi and Gopi Netam, have already been enlarged on bail by the learned Trial Court, and the present applicants are also entitled to bail on the ground of parity. So far as applicant No.2 is concerned, though four criminal cases are stated to be pending against him, no conviction has been recorded in any of those cases. He also submits that the applicant No.1 has no criminal antecedents, and they are in jail since 13.04.2026, the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicants.

4. On the other hand, learned counsel for the State opposes the bail application of the applicants and submits that the charge-sheet has been filed before the competent Court. She further submits that the allegations against the applicants are serious in nature and that sufficient incriminating material has been collected during the course of investigation connecting them with the commission of the alleged offence. It is contended that the investigation has revealed the involvement of the applicants in the theft and the prosecution case is supported by the memorandum statements, seizure proceedings, and other material collected during investigation.



Learned State counsel further submits that applicant No.2 has criminal antecedents, as four criminal cases have previously been registered against him, which reflects his propensity to indulge in similar offences. Therefore, considering the nature and gravity of the offence, the material available on record, the criminal antecedents of applicant No.2, and the overall facts and circumstances of the case, the applicants do not deserve the discretionary relief of bail and the present application is liable to be rejected.

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 applicants and the fact that though the allegation against the applicants is that they were involved in committing theft of electrical and hardware articles worth approximately Rs.95,000/- from the warehouse of a transport company after breaking open its lock, but it is to be noted that the applicants are in jail since 13.04.2026, the charge-sheet has already been filed before the competent Court. Though the applicant No.2 is stated to have some criminal antecedents which are explained in the bail application, but considering the overall facts, the nature of allegations, and conclusion of the trial may take some time, accordingly, without commenting on the merits of the case, this Court is of the view that the applicants are entitled to be released on bail in this case.



7. Accordingly, the bail application of the applicants is **allowed**. Let the Applicants – **Jain Markam @ Bajrangi** and **Shera Nagarchi**, involved in Crime No. 243/2026 registered at Police Station – Khamtarai, Raipur, District- Raipur, (C.G.) for the offence punishable under Sections 305, 331(4), 3(5) of the Bharatiya Nyaya Sanhita, 2023., be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in



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accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them 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