



2026:CGHC:28588



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MCRC No. 5846 of 2026

Govind Sidar S/o Mahettar Sidar Aged About 24 Years R/o Village Chitwahi,  
P.S. Tamnar, District- Raigarh (C.G.)

... **Applicant**

**versus**

State of Chhattisgarh Through S.H.O. P.S. Tamnar, District- Raigarh (C.G.)

... **Non-applicant**

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For Applicant : Mr. Priyanshu Ojha, Advocate.

For Non-applicant/State : Ms. Palak Dwivedi, Panel Lawyer.

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

### **Order on Board**

**09.07.2026**

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. 48/2026 registered at Police Station - Tamnar, District - Raigarh (C.G.), for the offence punishable under Section 309(6) and 3(5) of the Bhartiya Nyaya Sanhita, 2023.
2. The case of the prosecution, in brief, is that the complainant, namely Mukesh Yadav, vide a written complaint dated 03/03/2026 submitted before the police authorities of Police Station Tamnar, alleged that while he was sleeping in his Hiva vehicle bearing Registration No. CG-10-BK-9082, parked at Bhalumuda Railway Siding, during the intervening night



of 02/03/2026 and 03/03/2026, between 3:00 a.m. and 3:30 a.m., three unknown persons allegedly stole approximately 175 litres of diesel from the parked vehicles, assaulted him with a stick, and robbed him of Rs. 500/-. It was further alleged that the said unknown persons fled from the spot in a white Scorpio vehicle after committing the alleged offence. On the basis of the aforesaid written complaint, the police authorities of Police Station Tamnar registered FIR No. 0048/2026 for offences punishable under Sections 309(6) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, against unknown persons and initiated an investigation into the matter.

3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated in the aforesaid case. He submits that the FIR has been lodged against unknown persons, and the name of the present applicant does not find place anywhere in the FIR. No specific role, overt act, or identification has been attributed to the present applicant in the complaint lodged by the complainant. He further submits that the allegations made in the FIR are general in nature and are not directed against any specific person. He further submits that the alleged incident is stated to have taken place between 3:00 a.m. and 3:30 a.m. during the night hours. However, there is no statement of the complainant regarding the visibility conditions at the place of occurrence. In the absence of any such assertion, and considering the odd hours of the night, it is highly improbable that the complainant could have clearly seen or correctly identify the present applicant. Therefore, the alleged identification of the present applicant in connection with the offence is doubtful and cannot be accepted with certainty. He also submits that the applicant has only one criminal antecedent under Istagasa, in which he has already been acquitted. He further submits that the applicant has



been in judicial custody since 04.03.2026, and as the conclusion of the trial is likely to take some time, he deserves to be enlarged on regular bail. Accordingly, he prays for grant of regular bail to the present applicant.

4. On the other hand, learned State counsel opposes the bail application filed by the present applicants and submits that the charge-sheet has already been filed before the competent Court in the present case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, and the fact that applicant has only 01 criminal antecedent under Istagasa, in which he has already been acquitted. Moreover, the fact that the charge-sheet has already been submitted before the competent Court, the applicant has been incarcerated since 04.03.2026, and the conclusion of the trial may take some time, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Let the Applicant – **Govind Sidar**, involved in Crime No. 48/2026 registered at Police Station - Tamnar, District – Raigarh (C.G.), for the offence punishable under Section 309(6) and 3(5) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on his furnishing **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



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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**