



CGHC010245592026



2026:CGHC:35083

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6052 of 2026

Hemprakash Rajwade S/o Late. Vikram Rajwade, Aged About 22 Years R/o Village Chorka Kachhar, Ambikapur, Police Station Kotwali Ambikapur, District Surguja (C.G.)

--- Applicant(s)

Versus

State Of Chhattisgarh Through Police Station -Ambikapur, District - Surguja (C.G.)

--- Respondent(s)

MCRC No. 6526 of 2026

Jitan Ram Vishwakarma S/o Ramphal Aged About 35 Years R/o Village Bhattikala Jhumarpara P.S.Manipur District Surguja C.G.

---Applicant(s)

Versus

State Of Chhattisgarh Through Station House Office P.S. Ambikapur District Surguja C.G.

--- Respondent(s)

For Respective Petitioner(s)	:	Mr. Anurag Singh, Advocate and Mr. Shakti Raj Sinha, Advocate
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For Respondent(s) : Ms. Anusha Naik, Dy. G.A.

HON'BLE SHRI RAMESH SINHA, CHIEF JUSTICE

Order on Board

10/08/2026

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. 03/2026 registered at Police Station- Ambikapur, District – Surguja, (C.G.) for the offence punishable under Sections 318 (4), 338, 336 (3), 340 (2) and Section 3(5) of B.N.S.
2. That, as per the prosecution case, a written complaint was submitted by Smt. Vimla Soni before Police Station Ambikapur, alleging that she had received communication from the Commissioner, Municipal Corporation, Ambikapur, seeking clarification regarding two different death certificates purportedly issued in respect of Smt. Vimla Rajwade. Upon verification, the complainant allegedly found that one death certificate dated 24.04.2025, purportedly issued under her authority, had neither been prepared nor authenticated by her and that the said document did not bear her genuine seal or signature. It is further alleged that an unknown person had

forged the seal and signature of the complainant and had submitted the forged death certificate before the Municipal Corporation, Ambikapur, thereby obtaining registration of the death of Smt. Vimla Rajwade and securing issuance of a death certificate from the competent authority. On the basis of the said complaint, Police Station Ambikapur registered FIR/Crime No. 03/2026, initially against unknown persons, for the offence punishable under Section 318 of the Bharatiya Nyaya Sanhita, 2023, and commenced investigation. Consequently, a case was registered against the present applicants. Hence, the present bail applications.

3. Learned counsel for the Applicants submits that the Applicants are innocent and have been falsely implicated in the present case. It is further submitted that the Applicants have no connection with the alleged preparation, forgery, or use of the purported forged death certificate in question. The prosecution case itself indicates that the initial complaint was lodged against unknown persons and that the Applicants were not named therein. It is further submitted that there is no material on record to establish that the Applicants had forged the seal or signature of the complainant or had submitted the alleged forged death certificate before the Municipal Corporation, Ambikapur. The Applicants are under

incarceration since 11.06.2026 and they have no criminal antecedents. Therefore, further custodial detention of the Applicants is not required for the purpose of investigation. The conclusion of the trial is likely to take considerable time. Hence, in the facts and circumstances of the case, learned counsel prays that the Applicants may kindly be enlarged on bail.

4. On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the Applicants are involved in the commission of the alleged offence relating to the preparation, use, and submission of a forged death certificate before the Municipal Corporation, Ambikapur. It is further submitted that the allegations against the Applicants are serious in nature and that the forged document was allegedly used for obtaining registration of the death of Smt. Vimla Rajwade and for securing issuance of a death certificate from the competent authority. Learned counsel for the State further submits that the matter is still under investigation and that the charge-sheet has not yet been filed. Therefore, at this stage, considering the nature and gravity of the allegations and the material collected during investigation, the Applicants do not deserve to be enlarged on bail. Hence, the bail application may kindly be rejected.

5. I have heard learned counsel for the parties and perused the material available on record.
6. Considering the submissions advanced by learned counsel for the parties, the nature and gravity of the allegations, the period of pre-trial detention undergone by the Applicants, the fact that the Applicants have no criminal antecedents and further considering the likelihood of the trial taking considerable time, without further commenting upon the merits of the case, this Court is of the considered opinion that it is a fit case to allow the applications. Accordingly, the applications are allowed.
7. Let Applicant – **Hemprakash Rajwade** and Applicant- **Jitan Ram Vishwakarma** involved in Crime No. 03/2026 registered at Police Station- Ambikapur, District – Surguja, (C.G.) for the offence punishable under Sections 318 (4), 338, 336 (3), 340 (2) and Section 3(5) of B.N.S. be released on bail on their furnishing **a personal bond** with **two sureties** 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 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 applicants 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 applicants 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 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 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