



2026:CGHC:3385

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9491 of 2025**

Rajesh Soni S/o Late Madan Lal Soni Aged About 43 Years R/o Camp 01,
Ring Road 18, Bhilai (Power House) P.S. Chhawani, District- Durg (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through The Sho, Police Station - Gundardehi,
District- Balod (C.G.)

...Non-applicant

For Applicant : Mr. Raza Ali, Advocate.

For Non-applicant/State : Ms. Anusha Naik. Deputy Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****20.01.2026**

1. Mr. Raza Ali, Advocate appearing for the applicant submits that he has filed his power/vakalatnama on behalf of the applicant.
2. 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. 36/2025, registered at Police Station – Gundardehi District – Balod (C.G.) for the offence punishable under Sections 331(4), 305, 112,

238, 317(4), & 3(5) of the BNS 2023.

- 3.** As per the prosecution case, in brief, it is alleged that between 10:00 p.m. on 18.02.2025 and 9:00 a.m. on 19.02.2025, at the applicant's house situated in Kanhaiya Vihar Colony, Gunderdehi, an unknown person broke open the lock of the house and unlawfully entered inside, and from the cupboard kept in the bedroom, cash amounting to Rs. 4,65,000/- and gold and silver jewellery worth approximately Rs. 5,25,000/- were stolen. On the report lodged by the applicant at the concerned police station, an offence was registered and taken up for investigation. During the course of investigation, the involvement of the accused persons was found, and upon their search and custodial interrogation, they were found guilty of the offence. On the basis of their memorandum statements, the remaining stolen cash and property were recovered and seized in accordance with law, and thereafter the accused persons were arrested in the case.
- 4.** Learned counsel for the applicant submits that the present applicant is innocent persons and has been falsely implicated in the aforesaid case. He further submits that there is no direct allegation or evidence of theft against him and his implication is based solely on the memorandum statement of the co-accused persons. The FIR was initially lodged against unknown persons, and in order to complete the investigation, the police have mechanically connected the present applicant with the alleged offence without any substantive or independent evidence. The applicant has been in judicial custody since 11.09.2025, and although the charge-sheet has been filed, the conclusion of the trial is likely to take considerable time. It is further

submitted that the only criminal antecedent attributed to the applicant arises from the memorandum statement of the co-accused Sarfuddin Khan @ Guddu, who has already been granted bail by this Hon'ble High Court in MCRC No. 9104/2025. As per the prosecution story, the allegation against the applicant is merely that on 27.04.2025 at about 2:00 p.m., the applicant, who is the proprietor of a jewellery shop namely Aastha Jewellers, purchased certain gold and silver jewellery without a bill at a discounted rate from the said co-accused, an acquaintance met earlier at a doctor's clinic, for a total consideration of Rs. 3,40,000/-, which by itself does not establish his involvement in the theft. Moreover, the applicant has already been granted bail by this Hon'ble High Court on the same set of memorandum-based allegations in Crime No. 180/2025, P.S. Balod, District Balod, in MCRC No. 6406/2025, therefore, he prays for grant of regular bail to the applicant.

5. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has already been filed in the present case, and the applicant has four criminal antecedent, therefore, he is not entitled to be released on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the nature and gravity of the offence alleged against the present applicant, the fact that the charge-sheet has been filed before the competent Court, that one co-accused, namely Sarfuddin Khan @ Guddu, has already been

granted bail by this Court in MCRC No. 9104 of 2025 vide order dated 13.11.2025, that the applicant has been in judicial custody since 11.09.2025, further considering that the conclusion of the trial is likely to take some more time, this Court is of the considered opinion that the applicant is entitled to be released on bail in the present case.

8. Let applicant, **Rajesh Soni**, involved in Crime No. 36/2025, registered at Police Station - Gundardehi District – Balod (C.G.) for the offence punishable under Sections 331(4), 305, 112, 238, 317(4), & 3(5) of the BNS 2023, be released on bail on 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.

9. 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