



2026:CGHC:3386

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9471 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 - Deori, 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. 25/2025, registered at Police Station - Deori District – Balod (C.G.) for the offence punishable under Sections 331(4), 305, 112, 238, 317(4),

& 3(5) of the BNS 2023.

3. According to the prosecution, on 04.03.2025, in the morning, the complainant had gone to Village Jamnara for mason work while his wife went to the field, and upon returning in the evening, he found that the lock of his house had been broken and cash amounting to Rs. 23,000/-, old used gold jewellery worth Rs. 57,000/-, and silver jewellery worth Rs. 10,000/-, kept in a bag inside a box in his house, totaling Rs. 90,000/-, had been stolen; that on the basis of the complaint, a case of theft was registered against unknown persons at the concerned police station and taken up for investigation; that during the course of investigation, the accused were traced and the offence was proved against them, following which they were taken into custody, and on the basis of their memorandum statements, the material used in the theft and the remaining stolen property were recovered; and that thereafter, the accused were arrested and, upon completion of the investigation, the charge-sheet was filed before the competent Court.
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 of theft against him and his implication rests solely on the memorandum statements of co-accused persons; that the FIR itself was lodged against unknown persons, and the police have mechanically connected the applicant to the theft case without any substantive evidence; that he has been in judicial custody since 11.09.2025 and, though the charge-sheet has been filed, the conclusion of the trial is

likely to take considerable time; that the only criminal antecedent mentioned pertains to the memorandum statement of co-accused Surfuddin Khan @ Guddu, who has already been granted bail by this Hon'ble High Court in MCRC No. 9104/2025; that according to the prosecution story, on 27.04.2025 at around 2 PM, the applicant, who owns a jewellery shop called Aastha Jewellers, purchased some jewellery without a bill at a discounted rate from his prior acquaintance Surfuddin Khan @ Guddu, whom he had met at a doctor's clinic for his wife's treatment, including one pair of silver toe rings weighing approximately 4.71 grams and some gold jewellery, for a total amount of Rs. 3,40,000/-; that the applicant has previously been granted bail on the basis of the same memorandum in Crime No. 180/2025, P.S. Balod, District Balod (C.G.) in MCRC No. 6406/2025 by this Hon'ble High Court. The applicant reserves the liberty to raise any other grounds at the time of hearing; that he is a permanent resident of the address mentioned in the cause title of this application; and that he is ready and willing to furnish adequate security and shall abide by all directions and conditions as may be imposed by this Hon'ble Court.

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. 25/2025, registered at Police Station - Deori 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