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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 9970 of 2025**

- Omprakash Gorkundey @ Gajju S/o Vikas Gorkundey Aged About 28 Years R/o Bangalipara Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh (Wrongly Mentined In Impuged Order Omprakash Godamkund @ Gorkundey In Annexure A-1)

... Applicant**versus**

- State of Chhattisgarh Through In Charge Police Station Civil Line, District Bilaspur, Chhattisgarh.

... Respondent**(Cause title is taken from Case Information System)**

For Applicant : Mr. Aakash Singh, Advocate

For Respondent/State : Mr. Sourabh Sahu, Panel Lawyer

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

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 940/2025, registered at Police Station – Civil Line, District – Bilaspur (C.G.) for the offence punishable under Sections 331(4), 305, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS).
2. The case of the prosecution, is that on 17.08.2025 one Jitendra Kumar Devedi who is working as Peon in Chhattisgarh High Court



went to put off the pump near old Chief Justice Bungalow Dhuripara Mangala and 27 Kholi Gate. Their a Chief Justice Bungalow is present which is vacant and closed in present day and no one lives their and he heard some noise and he went inside the Chief Justice Bungalow and found two persons who were extracting the wires and parts of AC, one person who was wearing blue colour T-shirt ran away and second one was packing the suitcase inside the said Bungalow, after getting caught on asking the name one person told that he is Omprakash Gorkundey @ Gajju R/o Mukti Dham Chowk, Bangali Para, Thana Sarkanda and second one who ran away is blue T- shirt is Raja Vastrakar @ Boir S/o Mangal R/o Mukti Dham Chowk, Pooja Park, Thana Sarkanda District Bilaspur, also told that both of them were stealing AC copper wire, steel railing, water tap, cloth hanger from bathroom in their suitcase also they have kept some of the articles in different places. When Omprakash Gorkundey @ Gajju was caught and he is taken to the servant quarter then the information of the incident was given to Ashok Yadav, Itwari Das, Mamta Rao and other peoples also senior officer was informed and on their direction and I came to lodged legal report, hence, this bail application.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is one criminal antecedents registered against the present applicant bearing crime No.300 of 2025 for offence under Sections 115(2), 351(2), 296, 3(5), which is pending before JMFC, Bilaspur. It is further submitted that the charge-sheet has been filed in this case. The applicant is in jail since 17.08.2025 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.



4. On the other hand, the learned State counsel opposes the bail application and submits that there is one criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case.
5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that there is only one criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant, the applicant is in jail since 17.08.2025, looking to the period of detention of the applicant and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Omprakash Gorkundey**, involved in Crime No.940/2025, registered at Police Station – Civil Line, District – Bilaspur (C.G.) for the offence punishable under Sections 331(4), 305, 3(5) of the Bharatiya Nyaya Sanhita, 2023 (BNS), be released on bail on his furnishing **a 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



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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.

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**

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