



2026:CGHC:10035



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10217 of 2025

1 - Ganpat Mohaniya S/o Ranjit Aged About 42 Years R/o Vishvalada, Tahsil- Ganwani, P.S. Tanda, District- Dhar (M.P.)

2 - Kalam Singh S/o Naval Singh Aged About 40 Years R/o Village- Keshariya, Chhatipur, Tahsil- Ganwani P.S. Tanda, District- Dhar (M.P.)

... Applicants

versus

State Of Chhattisgarh Through- Station House Officer, Police Station Kondagaon, District- Kondagaon (C.G.)

... Respondent

For Applicants : Shri Amit Singh Chauhan, Advocate.

For : Shri Shailendra Sharma, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

26/02/2026

- Learned counsel for the applicants submits that in the cause title of the bail application name of the applicant No.2 has wrongly been mentioned as 'Kamal Singh' whereas it should be 'Kalam Singh'.
- He is permitted to correct the same in the cause title of the bail application during the course of the day.



3. This is the third bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No.68/2024 registered at Police Station Kondagaon, District-Kondagaon (C.G.) for the offence punishable under Sections 457 & 380 of Indian Penal Code.
4. Case of the prosecution, in brief, is that on 23.02.2024, the complainant lodged report before Police Station Kondagaon. It is alleged that on 21.02.2024, he went to Dantewada for attending the marriage ceremony and when he returned back to his house he found that the lock of the house was broken and Almira was opened and Rani Har 01 piece, Gold Jumka 02 piece total cost of Rs.1,20,000/- and silver ornament 01 piece and Silver Pyle 02 pair cost of Rs.25,000/- and cash amount of Rs.5,000/-total amount of Rs. 1,50,000/- has been stolen by the unknown persons. On the basis of the complaint, the aforesaid offence has been, registered against the present applicants.
5. Learned counsel for the applicants submits that this is the third bail application of the applicants and the first bail application of the applicants was rejected by this Court on merits vide order dated 05/12/2024 and the second bail application was dismissed as withdrawn on 27/01/2025. He would submit that out of 12 prosecution witnesses only evidence of 4 prosecution witnesses have been recorded, the applicants are in jail since 16/08/2024 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicants.
6. On the other hand, learned State counsel opposes the bail application.



7. I have heard learned counsel for the parties and perused the case diary.
8. From perusal of the records, it transpires that this is the third bail application of the applicants and the first bail application of the applicants was rejected by this Court on merits vide order dated 05/12/2024 and the second bail application was dismissed as withdrawn on 27/01/2025. Considering the fact that out of 12 prosecution witnesses only evidence of 4 prosecution witnesses have been recorded, applicants are in jail since 16/08/2024 and trial is likely to take some time for its conclusion, therefore this Court is of the view that the applicants are entitled to be released on bail in this case.
9. Accordingly, the third bail application is allowed and it is directed that the Applicants- **Ganpat Mohaniya & Kalam Singh**, involved in Crime No.68/2024 registered at Police Station Kondagaon, District- Kondagaon (C.G.) for the offence punishable under Sections 457 & 380 of Indian Penal Code, be released on bail on each of them furnishing a **personal bond** with **two local 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 they 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 their counsel. In case of their absence, without sufficient



cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, 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 applicants 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 them in accordance with law.

10. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial as expeditiously as possible preferably within a period of **six months** from the date of receipt of this order in accordance with law, if there is no legal impediment.
11. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE