



2026:CGHC:9076



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10273 of 2025**

Mohitpuri Goswami @ Shinu S/o D.P. Goswami Aged About 33 Years
R/o Near Prerna Vidhya Mandir School, Kasturba Nagar, P.S. Civil Line,
District Bilaspur (Chhattisgarh)

... Applicant**versus**

State of Chhattisgarh Through- Station House Officer, Police Station
Civil Line, District Bilaspur (C.G.)

... Non-applicant

(Cause-title taken from Case Information System)

For Applicant	: Mr. Ajay Kumar Chandra, Advocate.
For Non-applicant/State	: Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****20/02/2026**

1. This is the first bail application filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of regular bail to the applicant who has been arrested in connection with Crime No. 1197/2025 registered at Police Station- Civil Line, Bilaspur (C.G.),



for the offence punishable under Sections 309(4), 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short, 'BNS').

2. The prosecution case, in brief, is that the complainant lodged a report before the concerned Police Station alleging, inter-alia, that at the time of the alleged incident, certain unknown persons looted an amount of Rs. 1,450/- from him and thereafter fled away from the spot. On the basis of the said complaint, the Police registered an offence under Sections 309(4) and 3(5) of the BNS against unknown persons. During the course of investigation, the present applicant came to be implicated in the said crime on the basis of a memorandum statement recorded by the Police. Subsequently, the applicant was arrested in connection with the aforesaid offence and has been arrayed as an accused in the present case.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the entire case of the prosecution rests solely upon the memorandum statement recorded during investigation and there is no independent eyewitness or cogent material available on record connecting the applicant with the alleged offence. It is further submitted that the amount allegedly looted is merely Rs. 1,450/-, and no test identification parade has been conducted to establish the identity of the applicant. The applicant has been arrested only on the basis of suspicion and there is no



legally admissible evidence to substantiate the charge. Learned counsel candidly submits that the applicant has previous criminal antecedents; however, out of the said cases, two cases are still pending trial and in the remaining two cases, the applicant has already been acquitted by the competent Court of law. It is thus argued that mere pendency of cases cannot be a ground to deny the benefit of bail, particularly when the presumption of innocence continues to operate in favour of the applicant until proven guilty. It is further submitted that the applicant is in judicial custody since his arrest, the investigation is substantially complete, and no custodial interrogation is required. The applicant is a permanent resident of the address mentioned in the cause title and there is no likelihood of his absconding or tampering with the prosecution evidence. As such, the applicant be enlarged on bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the offence alleged against the applicant is serious in nature. It is contended that the applicant has been arrested on the basis of material collected during investigation, including the memorandum statement, and his involvement in the crime has surfaced during the course of investigation. It is further submitted that the applicant has criminal antecedents, and two criminal cases are still pending against him, which reflects his tendency to indulge in similar offences. Considering his past conduct, there is every likelihood that if released on bail, he may repeat the offence or tamper with the



prosecution evidence. As such, learned State counsel prays for rejection of the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, particularly the nature of allegations that the applicant is alleged to have looted an amount of Rs. 1,450/- from the complainant and fled from the spot, and the role attributed to him on the basis of memorandum statement recorded during investigation; coupled with the fact that the investigation has been completed and the charge-sheet has already been filed before the competent Court; further considering that the applicant is in judicial custody since his arrest and no further custodial interrogation is required; and also taking note of the fact that though the applicant has criminal antecedents, out of the four previous cases, he has been acquitted in two cases and two cases are still pending trial; without expressing any opinion on the merits of the case, this Court is of the view that the present applicant is entitled to be released on bail.
7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the applicant – **Mohitpuri Goswami @ Shinu**, involved in Crime No. 1197/2025 registered at Police Station- Civil Line, Bilaspur (C.G.), for the offence punishable under Sections 309(4), 3(5) of 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 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 send a certified copy of this order to the trial Court for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**