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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10244 of 2025**

Sumit Sahu S/o Rajkumar Sahu Aged About 19 Years R/o Village Mahamand, Lalkhadan, Police Station- Torwa, Tahsil And Distt. Bilaspur C.G.

... Applicant**versus**

State of Chhattisgarh Through S.H.O. P.S.- Sakari, District Bilaspur C.G.

... Non-Applicant

For Applicant	: Mr. Pushpendra Singh Baghel, Advocate.
For Non-Applicant/State	: Ms. Monika Thakur, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****11.12.2025**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 670/2025 registered at Police Station- Sakari, District Bilaspur, (C.G.) for the offence punishable under Sections 309(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.
2. Case of the prosecution, in brief, is that on 13.09.2025, the complainant, Jyotish Kumar Sahu, lodged a report at Police Station Sakari stating that he had received a phone call from Jio Company,



Sagar, informing him that a tower was down. Accordingly, he, along with technician Rakesh Kumar Sahu, proceeded on a motorcycle to Sagar to repair the said Jio tower. On 14.09.2025, at around 3:15 AM, when they reached near Lakhasar School, four unknown persons arrived from the Sagar side on two vehicles—a white scooter and a motorcycle—blocked their way, searched their pockets, threatened them, and forcibly took away their motorcycle. Based on the said report, Crime No. 670/2025 was registered against unknown persons, and investigation commenced. During investigation, the main accused persons were found to be already arrested in Crime No. 480/2025 at Police Station Akaltara, and the stolen vehicle was recovered from the possession of the main accused, namely Chandan Singh Chouhan. On the basis of the memorandum statements of the co-accused, the present applicant was arrested for his alleged involvement in the offence. After completion of the investigation, charge-sheet has been filed before the learned trial court.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated, as he has no involvement whatsoever in the alleged offence. It is argued that the applicant has no criminal antecedents and no vehicle or any incriminating article has been seized from his possession. His name figures in the case solely on the basis of the memorandum of co-accused persons, which is not admissible in evidence and cannot be the sole basis for implicating him. It is further submitted that except the memorandum of co-accused, the entire charge-sheet contains no material against



the applicant; the articles alleged to have been looted have already been recovered from other co-accused; no test identification parade has been conducted; and even the complainant has not identified the applicant, creating serious doubt over the prosecution case. The applicant is in jail since 29.10.2025, the charge-sheet has been filed, and the trial is likely to take considerable time to conclude. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. She further submits that the applicant is directly involved in the commission of the offence. During investigation, on the basis of memorandum statements of the co-accused, one scooty and two motorcycles have been recovered from the possession of the applicant, clearly indicating his active participation in the robbery. It is further submitted that the offence is serious in nature, committed by a group of accused persons who threatened and dispossessed the complainant and his companion in the early hours of the morning. The applicant's role is not minor, and the recovery made at his instance is a strong incriminating circumstance against him. Hence, considering the gravity of offence and the material collected during investigation, the applicant does not deserve to be released on bail.
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, nature and gravity of offence, and the fact that though the applicant



is alleged to have been involved in the robbery incident on the basis of the co-accused's memorandum, wherein his name surfaced as one of the persons connected with the offence, but the applicant has no criminal antecedents, he is in jail since 29.10.2025 and the charge-sheet has been filed in the present case, and the trial is likely to take sometime for its conclusion, therefore, I am of the opinion that the applicant is entitled to be released on bail in this case.

7. Let the Applicant – **Sumit Sahu**, involved in Crime No. 670/2025 registered at Police Station- Sakari, District Bilaspur, (C.G.) for the offence punishable under Sections 309(4) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **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.



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(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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

Sd/-

**(Ramesh Sinha)
Chief Justice**

Rahul Dewangan