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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10525 of 2025**

Dilip Rathiya D/o Sukhsai Aged About 37 Years R/o Tenda- Navapara, P.S.
And Tahsil- Gharghoda District Raigarh (C.G.)

... Applicant**versus**

State Of Chhattisgarh Through Officer-In Charge Police Station- Gharghoda,
District – Raigarh (C.G.)

---- Non-applicant

For Applicant : Mr. Ashutosh Mishra, Advocate.

For Non-applicant/State : Mr. Soumya Rai, Dy. Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****19.01.2026**

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. 89/2025, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Sections 318(4), 316(5) and 3(5) of the BNS.
2. The case of the prosecution, is that on 17.04.2025 branch manager of Apex Bank made a complaint as per the paddy purchase report dated 25.02.2025 some deficiency of 7159.60 Quintal of paddy amounting Rupees 2,21,94,760/- was found in the physical verification and



various discrepancies were found in connection with the 4108 pieces Bardana, 426 pieces Millers Bardana and 426 PDS Bardana amounting rupees 5,70,500/- in paddy procurement center Tenda-Nawapara and financial loss to the government has been caused. Hence, this 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 no criminal antecedents registered against the present applicant. It is further submitted that the charge-sheet has been filed in this case. It is submitted that initially the applicant had preferred an application for grant of anticipatory bail for the crime in question, which was rejected on 15.09.2025 in MCRCA No.1425/2025, thereafter, the applicant was arrested and he is in jail since 10.10.2025 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 no criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case. It is further submitted that the anticipatory bail application of the co-accused was already rejected by this Court vide order dated 09.07.2025 passed in MCRCA No. 705/2025, therefore, he is not entitled for grant of bail.
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 no criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant, initially the applicant had preferred an application for grant of anticipatory bail for the crime in question, which was rejected on 15.09.2025 in MCRCA No.1425/2025, thereafter, the applicant was arrested and he is in jail since 10.10.2025, and conclusion of the trial is likely to take some time, I am inclined to allow this application.

7. Let applicant, **Dilip Rathiya**, involved in Crime No. 89/2025, registered at Police Station – Gharghoda, District – Raigarh (C.G.) for the offence punishable under Sections 318(4), 316(5) and 3(5) of the 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



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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**

Rajshekhar