



2026:CGHC:2987



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 10309 of 2025**

Krishna Dhimar S/o Mahendra Dhimar Aged About 25 Years R/o Village-Darain, In Front Of Primary School, Post- Kharihatoal, Police Station-Siddhi, District- Shahdol (Madhya Pradesh) (In Jail)

... Applicant(s)**versus**

State Of Chhattisgarh Through - Police Station- Udaipur, District-Surguja, (C.G.)

... Non-applicant(s)

For Applicant : Mr. Sangeet Kumar Kushwaha, Advocate.

For Non-applicant/State : Ms. Ankita Shukla, Panel Lawyer.

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 Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 97/2025, registered at Police Station : Udaipur, District- Surguja (C.G.) for the offence punishable under Section 331(2) and 305(a) of the BNS.
2. The prosecution case, in brief, is that on the intervening night of 08.06.2025, unknown persons committed theft from the



Government Fair Price Shop of Gram Panchayat Rikhi by stealing 17 bags of gram and 3 bags of sugar worth Rs. 6,800/-, belonging to a Women Self Help Group. On the complaint of Sukul Bai, Crime No. 97/2025 under Sections 331(2) and 305-A BNS was registered at Police Station Udaipur. During investigation, accused Raja Sonwani, arrested in a similar offence, disclosed in his memorandum statement that he, along with co-accused Indrapal Sahu, Krishna Dhimar and Rafiq Khan, committed thefts from PDS shops in villages Rikhi and Mudgaon. The accused further admitted selling the stolen commodities to accused Pawan Kumar. The memorandum statements and seizure documents were duly collected during investigation. With due permission from the competent Courts and upon obtaining production warrants, the accused were arrested and remanded to judicial custody. Some of the accused, namely Rakesh Sonwani and Kalsai, are still absconding and investigation against them is ongoing. Thus, the prosecution submits that the accused persons committed the alleged offences in a well-planned manner, which is duly supported by documentary evidence and memorandum statements. Based upon such, the aforesaid offences have been registered against the accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that out of four cases registered against the applicant, he has already been enlarged on bail in two cases. It is further submitted that the applicant is a driver by profession. The



applicant's father had purchased a vehicle for him, which the applicant used to rent out for freight transportation. Apart from this, the applicant has only performed the act of transporting goods on a rental basis from one place to another in the ordinary course of his business for earning his livelihood. He further submits that the co-accused, Pawan Agrawal, has already been granted bail by the trial Court. It is also submitted that in the present case, the charge-sheet has not yet been filed and the conclusion of the trial is likely to take a considerable time. Therefore, it is prayed that the applicant may kindly be enlarged on regular bail.

4. On the other hand, learned State counsel opposes the bail application and submits that the present applicant is directly involved in the commission of the offence. It is submitted that during investigation, the role of the applicant has clearly emerged from the memorandum statements of the co-accused, wherein it has been specifically disclosed that the applicant actively participated in the disposal of the stolen PDS commodities. The applicant knowingly facilitated the transportation and sale of the stolen goods, thereby aiding and abetting the main accused. She further submits that the offence pertains to theft of essential commodities meant for public distribution, which adversely affects the public at large. The involvement of the applicant forms part of a well-organized and planned criminal activity. Considering the gravity of the offence, the applicant's criminal antecedents, and the fact that the investigation is still ongoing and some accused are absconding, there is a strong likelihood that the applicant may influence witnesses or hamper the



investigation if released on bail. Therefore, she prays for rejection of the bail application.

5. I have heard learned counsel for the parties and perused the case-diary.
6. Considering the facts and circumstances of the case, the nature of allegations and without commenting on the merits of the case, it is noted that although four criminal cases are registered against the present applicant, he has already been enlarged on bail in two cases. Also considering the fact that the co-accused has already been granted bail by the trial Court and therefore, the present applicant is entitled to the benefit of parity. In view of the above circumstances and considering that the trial is likely to take considerable time, this Court is of the opinion that it is a fit case to grant regular bail to the present applicant.
7. Accordingly the bail application of the applicant is **allowed**.
8. Let applicant, **Krishna Dhimar**, involved in Crime No. 97/2025, registered at Police Station : Udaipur, District- Surguja (C.G.) for the offence punishable under Section 331(2) and 305(a) of the BNS, 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.

(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 concerned for necessary information and compliance forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice