



2026:CGHC:10072



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 354 of 2026**

Prakash Lahre S/o Sanjay Lahre Aged About 22 Years R/o Kharripara
PS Mungeli District Mungeli (C.G.)

--- Applicant(s)**versus**

State Of Chhattisgarh Through- Ps City Kotwali, Mungeli District Mungeli
(C.G.)

--- Non-applicant(s)**MCRC No. 349 of 2026**

Ankit Sarthi S/o Lakhan Sarthi Aged About 20 Years R/o Vinoba Nagar
Ward No. 21 P.S. And Mungeli District Mungeli Chhattisgarh

---Applicant(s)**Versus**

State Of Chhattisgarh Through P.S. City Kotwali, Mungeli District Mungeli
Chhattisgarh (Wrongly Mention P.S. Mungeli In Impugned Order)

--- Non-applicant(s)

For Applicant(s) : Mr. Dheerendra Pandey, Advocate

For Non-applicant(s) : Ms. Smriti Shrivastava, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****26.02.2026**

1. Since the above two bail applications are arising out of same



incidents registered at same police station and offences are also same, they are being heard and decided by this common order.

2. Learned counsel for the applicants submit that the defects as pointed out by the Registry have been duly removed.
3. The applicants have preferred these First Bail Applications under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.359/2025 registered at Police Station – City Kotwali, Mungeli, District- Mungeli (C.G.) for the offence punishable under Sections 331(4), 305(A), 3(5) of BNS Act. 2023.
4. **In MCRC No.354/2026**, the case of the prosecution, in brief, is that a report was lodged by the complainant, Birbal Sonker, on 05.08.2025, stating that on 03.08.2025 at about 9:30 AM he had gone to village Koylari along with his family to attend the *Barshi* program of his grandmother. On 05.08.2025 at about 06:55 AM, when he returned to his house and opened the main gate and entered inside, he found that the window of the staircase room was open and the lock of the sitting room was broken. He noticed that some unknown persons had stolen gold and silver ornaments and cash of Rs. 14,000/-, amounting to a total value of about Rs. 80,000/-. On the basis of the said complaint, the police registered the aforesaid offence against unknown persons and started investigation. During the course of investigation, the police arrested one of the accused and recorded his memorandum statement, and on the basis of the said memorandum statement, the present



applicant was also arrested.

5. **In MCRC No.349/2026**, the case of the prosecution, in brief, is that a report was lodged by the complainant, Birbal Sonker, on 05.08.2025, stating that on 03.08.2025 at about 9:30 AM he went to village Koylari along with his family to attend the *Barshi* program of his grandmother. He returned to his house on 05.08.2025 at about 06:55 AM and after opening the main gate and entering the house, he found that the window of the staircase room was open and the lock of the sitting room was broken. He noticed that some unknown persons had stolen gold and silver ornaments and cash of Rs. 14,000/-, amounting to a total value of about Rs. 80,000/-. On the basis of the said complaint, the police registered the aforesaid offence against unknown persons and started investigation. During the course of investigation, the police arrested one of the accused and recorded his memorandum statement, and on the basis of the said memorandum statement, the present applicant was also arrested.
6. Learned counsel for the applicants submits that the applicants are innocent persons and have been falsely implicated in the present case. It is submitted that no specific overt act has been attributed to the applicants and the FIR was initially registered against unknown persons. Although CCTV cameras were installed at the place of occurrence, no person has been identified by the prosecution as the culprits had covered their faces with masks. It is further submitted that no legal or reliable evidence has been collected by



the prosecution against the applicants and no stolen articles have been recovered from their possession. The entire case of the prosecution is based only on the memorandum and seizure, which is a weak piece of evidence. It is also submitted that the applicants are in judicial custody since 29.10.2025 and 06.08.2025 respectively, therefore, they may kindly be enlarged on bail.

7. Learned State counsel opposes the prayer for grant of bail and submits that during the course of investigation both the applicants were taken into custody and their memorandum statements were recorded, wherein they disclosed that they had committed the theft along with other co-accused persons. On the basis of their disclosure statements, stolen gold and silver ornaments were recovered from their possession. It is further submitted that stolen gold ornaments worth about Rs. 60,000/- were seized from the possession of the applicants, which clearly connects them with the commission of the offence. Considering the seriousness of the allegations and the material available on record, the applicants are not entitled to be released on bail. Hence, the bail applications deserve to be rejected.
8. I have heard learned counsel for the parties and perused the case-diary.
9. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicants since 29.10.2025 and 06.08.2025 respectively and the recovery being made and the fact that in the present case, charge-sheet has been filed before the competent Court and the applicants have only



one previous criminal antecedent each except the present case which has been duly explained in the bail applications of para No.4(a) and no further interrogation is required and the trial is likely to take some time for its conclusion, therefore, without further commenting anything on merits, I am inclined to grant bail to the applicants.

10. Accordingly, the bail applications of the applicants are **allowed**.
11. Let applicants, **Prakash Lahre and Ankit Sarthi**, involved in Crime No.359/2025 registered at Police Station – City Kotwali, Mungeli, District- Mungeli (C.G.) for the offence punishable under Sections 331(4), 305(A), 3(5) of BNS Act. 2023, be released on bail on furnishing **personal bond with two sureties in each case** 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 fail 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 are deliberated 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.

- 12.** 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**