



2025:CGHC:19643

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3315 of 2025

Jeevan Patel S/o Sukhchain Patel, Aged About 26 Years Resident Of Village Seetanagar, Gogaon, Police Station Kabirnagar, Tahsil And District Raipur (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through - The Station House Officer, Police Station Tikrapara, Raipur, District Raipur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Ravikar Patel, Advocate.

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

30/04/2025

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. 143/2025 registered at Police Station Tikrapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 331(3), 305 r/w Section 3(5) of the Bharatiya Nyaya Sanhita (for short 'BNS').
2. Case of the prosecution, in brief, is that the applicant and other co-

accused persons allegedly entered the complainant Shatruhan Dewangan's house and stole gold and silver ornaments, a cheque book, and Rs. 84,000/- in cash, with the total value of the stolen items being Rs. 1,84,000/-. Thereafter, aforesaid offence has been registered against the applicant and subsequently, he was arrested, Hence, the bail application.

3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in offence in question. He further submits that there is no any evidence collected by the prosecution to establish the *prima facie* guilt of the applicant. He also submits that though he was arrested on the spot, but nothing has been seized from him possession except Rs.2,300/- which belongs to the applicant. The applicant is in jail since 20.02.2025, the applicant has no criminal antecedent, charge-sheet has been filed and the trial is likely to take some time for its conclusion. 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. She further submits that the applicant alongwith other co-accused persons are alleged to have committed theft in the house of the complainant, Shatruhan Dewangan's and stole gold and silver ornaments, a cheque book, and Rs. 84,000/- in cash, with the total value of the stolen items being Rs. 1,84,000/-, further there is also recovery of Rs.2,300/- from the possession of the applicant, therefore, he is not entitled for grant of 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, period of detention of the applicant since 20.02.2025, the fact that though the applicant alongwith other co-accused persons are alleged to have committed theft in the house of the complainant, Shatruhan Dewangan's and stole gold and silver ornaments, a cheque book, and Rs. 84,000/- in cash, with the total value of the stolen items being Rs. 1,84,000/-, further there is also recovery of Rs.2,300/- from the possession of the applicant, which is claimed to be his own money, further the applicant has no criminal antecedent and charge-sheet has been filed in the present case, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Let the Applicant-**Jeevan Patel**, involved in Crime No. 143/2025 registered at Police Station Tikrapara, Raipur, District Raipur (C.G.) for the offence punishable under Sections 331(3), 305 r/w Section 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 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 for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Akhil