



2025:CGHC:22457

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4129 of 2025

1 - Lalman @ Badka Basor S/o Suddhu Basor Aged About 55 Years R/o Village Barwatola, P.S. Bargawa, District Singrauli (M.P.)

... Applicant

versus

1 - State Of Chhattisgarh Through The Police Station Akaltara, District Janjgir Champa (C.G.)

... Non-applicant

For Applicant : Mr. Ritesh Verma, Advocate.

For Non-Applicant/State : Mr. Jitendra Shrivastava, Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

29/05/2025

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. 312/2024 registered at Police Station Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Sections 331(4), 305(A), 3(5) of the Bharatiya Nyaya Sanhita (for short 'BNS').

- 2.** Case of the prosecution, in brief, is that on July 1, 2024, at 6:00 P.M., the applicant, Sanjay Pratap Soni, closed his jewelry shop and went upstairs to his house. At 12:30 AM, he checked the doors and shutters of his house and shop and then went to sleep in his upstairs room. On July 2, 2024, at 6:00 A.M., upon reviewing the CCTV footage, he found that three cameras were disabled. Upon inspecting his shop, he discovered that the camera wires were cut, the shutter lock was broken, and the lock was missing. Upon entering the shop, he found that drawers and showcases had been ransacked, and gold and silver ornaments, as well as cash, were missing. After accounting for the missing items, it was estimated that approximately Rs. 4,53,500/- worth of gold and silver jewelry and cash had been stolen. Based on the applicant's report, a case was registered at Police Station Akaltara against unknown persons, and the matter was taken up for investigation. During the investigation, it was discovered that the accused, Lalman and Lalji alias Kinka, who were involved in Crime No. 336/2024 under Sections 331(4) and 305(A) at Police Station Seepat, had been interrogated by the Seepat police. Their memorandum statements were recorded, and recovery and seizure of stolen goods were made. They were arrested on August 8, 2024, and sent to judicial custody. 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 no TIP (Test Identification Parade) has been conducted by the Investigating Officer and there

is no evidence to hold the guilt of the applicant. The applicant is in jail since 08.08.2024, the applicant has three criminal antecedents of the year 2024 under the IPC and BNS, Out of 3 criminal antecedents of the applicant, in the 2 cases this Court has granted bail in MCRC No. 3441 of 2025 and 3358 of 2025 vide orders dated 05.05.2025 and 01.05.2025, respectively, 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 shop of complainant and has stolen approximately Rs.4,53,500/- worth of gold and silver jewelry and cash, further the applicant has three criminal antecedents of the year 2024 under the IPC and BNS. As such, he is a habitual offender and his bail application is liable to be rejected.
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 08.08.2024, the fact that the applicant alongwith other co-accused persons are alleged to have committed theft in the shop of complainant and has stolen approximately Rs. 4,53,500/- worth of gold and silver jewelry and cash, so far as criminal antecedents of the applicant are concerned, applicant has three criminal

antecedents of the year 2024 under the IPC and BNS which shows that the applicant is a habitual offender, charge-sheet has been filed in the present case and also considering the fact that the learned State counsel has pointed out bail application of co-accused has already been rejected in MCRC No.3263 of 2025 passed on 29.04.2025, without expressing any opinion on the merits of the case, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.

7. Accordingly, the bail application of applicant-Lalman @ Badka Basor, involved in Crime No. 312/2024 registered at Police Station Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Sections 331(4), 305(A), 3(5) of the BNS, is **rejected**.
8. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
9. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-
(Ramesh Sinha)
Chief Justice