



2025:CGHC:43998

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 6292 of 2025**

Akash Nonkar S/o Arun Rao Nonkar, Aged About 25 Years R/o
Hudeshwar Magdi Nagar Chowk, Nagpur, District Nagpur, Maharashtra.

... Applicant**versus**

The State Of Chhattisgarh Through SHO, P.S. Khamhardih, District
Raipur, Chhattisgarh.

... Respondent

For Applicant : Shri Rishikant Mahobia, Advocate.

For : Ms. Vaishali Mahilong, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****29/08/2025**

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.20/2025 registered at Police Station Khamhardih, District Raipur,
Chhattisgarh for the offence punishable under Sections 331(4), 305 of
the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution, in brief, is that complainant namely Neha Verma has lodged a report dated 15.01.2025 alleging that on 05.01.2025, some unknown persons have committed theft of Laptop, Mobile Phone and Rs. 15,000/- cash from the office of her father. Hence FIR has been lodged against them.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and on the basis of memorandum of present applicant recorded in Crime No.07/2025, registered at Police Station Dongargarh District Rajnandgaon, the applicant has been arrested in the present case. He would submit that in the present case, as per charge sheet, there is no seizure from the present applicant. He would submit that alleged article has been seized from the possession of other co-accused persons. He would submit that on the basis of Crime No. 07/2025, registered at Police Station - Dongargarh against the present applicant, he has been arrested in the present crime and in the said case, the applicant has been granted bail by the Trial Court. He would further submit that co-accused person namely Jaydeep Verma has been granted bail by this Court vide M.Cr.C. No. 4387/2025 on 11/07/2025 and co-accused Rajesh Jhoting has been granted bail by this Court vide M.Cr.C. No. 5532/2025 on 15/07/2025. He would submit that the charge sheet has been filed in this case and the applicant is in jail since 28/01/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court. She would submit that the applicant has

three criminal antecedents including the present case and in one case he has been granted bail by the trial court and there is no seizure has been made from the applicant.

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 of allegation levelled against the applicant, considering the fact that the applicant has three criminal antecedents including the present case and in one case the applicant has been released on bail in case Crime No.07/2025 by the Trial Court and co-accused person namely Jaydeep Verma has been granted bail by this Court vide M.Cr.C. No. 4387/2025 on 11/07/2025 and co-accused Rajesh Jhoting has been granted bail by this Court vide M.Cr.C. No. 5532/2025 on 15/07/2025, period of detention of the applicant since 28/01/2025, charge sheet has been filed, there is no seizure has been made from the applicant and also considering the fact that trial is likely to take some time for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is allowed and it is directed that the Applicant- **Akash Nonkar**, involved in Crime No.20/2025 registered at Police Station Khamhardih, District Raipur, Chhattisgarh for the offence punishable under Sections 331(4), 305 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing a **personal bond** with **two local 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. However, this Court hopes and trusts that the trial Court shall make an earnest endeavour to conclude the trial expeditiously, within a period of six months from the date of receipt of this order in accordance with law, if there is no legal impediment.

9. 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

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