



2025:CGHC:44022

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 6833 of 2025

Nikhil Soni S/o Late Bajrang Soni Aged About 28 Years R/o Agrasen Chowk Thomas Colony Korba Tehsil And District- Korba, Chhattisgarh.

... **Applicant(s)**

versus

State Of Chhattisgarh Through Police Station Civil, Line Rampur Korba, District- Korba, Chhattisgarh.

... **Respondent(s)**

For Applicant(s) : Mr. Shailendra Dubey, Advocate.

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

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

29.08.2025

1. This is the second bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 139/2025 registered at Police Station Civil, Line Rampur Korba, District- Korba (C.G.) for the offence punishable under Sections 331(4), 305(a), 111 & 317(4) of Bharatiya Nyaya Sanhita (for short 'BNS').
2. Earlier the first bail application of the applicant was rejected on

merits by this Court vide order dated 04.07.2025 passed in MCRC No.3432 of 2025.

3. Case of the prosecution, in brief, is that Crime No. 139/2025 has been registered at Police Station Civil Line, Rampur, District Korba under Sections 331(4), 305(a), 111 and 317(4) of the BNS. The allegation against the applicant/accused Nikhil Soni is that he purchased stolen gold and silver ornaments from co-accused persons Nitesh Sahu and Lalit Bhoi, and thereafter gave the same to co-accused Anil Kale for melting. Stolen gold and silver were recovered from Anil Kale. In their memorandum statements, the co-accused disclosed that they had earlier also sold stolen gold and silver ornaments to Nikhil Soni, and that he used to encourage them to commit thefts and sell the stolen property to him. Apart from the present case, the applicant is also implicated in Crime Nos. 179/2025 and 163/2025 of the same police station for purchasing stolen property. Thus, *prima facie*, the offence reveals an organized activity wherein stolen property was habitually purchased by one person and thereafter melted by another, which amounts to organized crime under Section 111 of BNS. The offences are of a serious nature, and the applicant's involvement is clearly reflected in the material collected during investigation.
4. Learned counsel for the applicant has vehemently contended that the alleged offence cannot be brought within the definition of organized crime as contemplated under Section 111 of the BNS. He

further contended that the seizure witnesses and memorandum witnesses have been examined before the learned trial Court, and they have turned hostile, so far as the criminal antecedent of the applicant is concerned, the applicant has no criminal antecedent, further charge-sheet has already been filed in the present case and the applicant is in jail since 11.04.2025, hence, he prays that the applicant be enlarged on bail, as further custody would serve no purpose.

5. Per contra, learned State counsel has opposed the bail application. She submits that apart from the present crime, the applicant has been found involved in two other similar cases of identical nature registered at the same police station, wherein he is alleged to have regularly purchased stolen jewellery. It is further submitted that the First Bail Application of the applicant in all such matters have already been rejected by this Court on merits, therefore, the applicant is not entitled for grant of bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. From perusal of the record, it transpires that the earlier order dated 04.07.2025, this Court had already considered the allegations in detail and found *prima facie* material that the applicant had purchased stolen ornaments from co-accused persons and thereafter given them for melting to another co-accused, thereby forming part of an organized chain of offences falling within the ambit of organized crime.

8. The present bail application does not disclose any new circumstance or change in the factual matrix. The ground now urged that theft cannot fall within the purview of organized crime and offence under Sections 305(a) and 317(4) of BNS are not made out against him has not been averred in the present bail application. Moreover, as per the case diary, there are evidence showing the involvement of the applicant in purchasing stolen articles on multiple occasions, which *prima facie* shows continuity of unlawful activity, thereby attracting Section 111 of BNS.
9. Considering the above submissions made by the learned counsel for the parties, as the seizure and memorandum witnesses have turned hostile, the same cannot be a ground for releasing the applicant on bail as the same amounts to only tampering with the evidence.
10. The submission of the applicant that he has no criminal antecedent is also contrary to the record, as the case diary discloses his involvement in two other crimes of identical nature at the same police station and First Bail Application of the applicant in the said two cases have already been rejected by this Court on merits.
11. In view of the above, and considering that the earlier bail application was rejected by this Court on merits after due consideration of all relevant factors, there appears to be no good ground to entertain this second bail application, as such, this Court is of the opinion that it is not a fit case to enlarge the applicant on regular bail.
12. Accordingly, the second bail application of the applicant-**Nikhil**

Soni, involved in Crime No. 139/2025 registered at Police Station Civil, Line Rampur Korba, District- Korba (C.G.) for the offence punishable under Sections 331(4), 305(a), 111 & 317(4) of BNS, is **rejected** at this stage.

13. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
14. Office is directed to provide a certified copy of this order to the trial Court concerned for necessary information and compliance.

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Akhil