



2025:CGHC:49453

NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

### MCRC No. 7804 of 2025

**1** - Anand Ahirwar S/o Shri Paklu Ahirwar, Aged About 44 Years R/o Village - Rohansi, Thana And Tahsil - Palari, District - Balodabazar - Bhatapara (C.G.)

**2** - Surajbhan Pardhi S/o Late Shri Kaushal Pardhi, Aged About 50 Years R/o Village - Rohansi, Thana And Tahsil - Palari, District - Balodabazar - Bhatapara (C.G.) (Adds And Details As Per Chargesheet)

**... Applicants**

**versus**

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

**... Respondent**

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For Applicants : Shri Sunil Sahu, Advocate.

For : Shri Malay Jain, PL.

Respondent/State

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**Hon'ble Mr. Ramesh Sinha, Chief Justice**

**Order on Board**

**26/09/2025**

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 applicants who have been arrested in connection with Crime No.103/2025 registered at Police Station Bilaigarh, Distt.- Sarangarh - Bilaigarh (C.G.) for the offence punishable under Sections 331(4), 305, 112(2), 317 (2), 3(5) of B.N.S. 2023.

2. Case of the prosecution, in brief, is that complainant Shantilal Sahu has lodged the report on 01.04.2025 against unknown persons with the averment that on 31.03.2025 he along with his wife and daughters went to sleep after taking the dinner and his father Radhai Sahu was sleeping in the ground floor some unknown persons entered in his house and committed the theft of cash of Rs. 1,60,000/- and ornaments kept in the Box on morning he saw that the door was open and the Box in which the cash amount as well as Jewellery was kept was missing so he along with neighbors search near places and found that the Box was lying in the Badi of Sonau Kewat therefore the report is made and the offences as mentioned above were registered during investigation on the basis of doubt thana Police arrested the applicants and recorded the memorandum statement in which they have stated that the said articles were sold to Mahaveer jain owner of Arihant Jewellers in a some of Rs. 3 Lakhs so the police has arrested the said co-accused and after completing the investigation filed the charge sheet.
3. Learned counsel for the applicants submits that the name of the applicants is not mentioned in the FIR and only on the basis of doubt applicants were arrested in the aforesaid crime without any proof of the fact that applicants have committed the offence of theft. He would submit that no theft articles have been seized from

the applicants and their memorandum statement has been recorded in which they have informed that the ornaments were sold to Arihant Jewellers, from the owner of the Arihant Jewellers cash amount has been seized stating that the ornaments has been sold to the other customers. He would submit that co-accused namely Sonu Ahirwar has been granted bail by this Court in MCRC No.7454 of 2025 on 16/09/2025 and co-accused persons namely Mannulal Pardhi, Amar Singh Pardhi and Sanjay Kumar Pardhi have been granted bail by this Court in MCRC No.7095/2025 on 08/09/2025. He would submit that applicant No.1 has four criminal antecedents out of which three cases have been compromised and one case is pending and applicant No.2 has one criminal antecedent which is pending. He would submit that the charge sheet has been filed in this case, applicants are in jail since 26/05/2025 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 he would submit that charge sheet has been filed in this case before the competent court.
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 applicants, considering the fact that co-accused namely Sonu Ahirwar has been granted bail by this Court in MCRC No.7454 of 2025 on 16/09/2025 and co-accused persons namely Mannulal Pardhi, Amar Singh Pardhi and Sanjay Kumar Pardhi have been granted bail by this Court in MCRC

No.7095/2025 on 08/09/2025, period of detention of the applicants since 26/05/2025, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, this Court is of the view that the applicants are entitled to be released on bail in this case.

7. Accordingly, the bail application is allowed and it is directed that the Applicants- **Anand Ahirwar & Surajbhan Pardhi**, involved in Crime No.103/2025 registered at Police Station Bilaigarh, Distt.- Sarangarh - Bilaigarh (C.G.) for the offence punishable under Sections 331(4), 305, 112(2), 317 (2), 3(5) of B.N.S. 2023, be released on bail on each of them furnishing a **personal bond** with **two sureties** 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 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 them 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**