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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1603 of 2026

1 - Akbar Khan S/o Gulab Jan Aged About 53 Years R/o Shiv Vihar, Mopka Chowk, Police Station Sarkanda, District : Bilaspur, Chhattisgarh

--- Applicant (in jail)

versus

1 - State Of Chhattisgarh Through - Incharge Police Station Masturi, District : Bilaspur, Chhattisgarh

--- Respondent

MCRC No. 2495 of 2026

1 - Devesh Suman @ Nikku S/o Shri Rajkumar Suman Aged About 24 Years R/o Village Mohtara, Police Station And Tehsil Masturi, District Bilaspur, Chhattisgarh

---Applicant (in jail)

Versus

1 - State Of Chhattisgarh Through Police Station Masturi, District Bilaspur, Chhattisgarh

--- Respondent

MCRC No. 2344 of 2026

1 - Mohammad Mustkim @ Nafis S/o Mohammad Mukhtar Aged About 29 Years R/o Bhartiya Nagar, Ward No. 24, Police Station - Civil Line, Distt - Bilaspur, Chhattisgarh.

---Applicant (in jail)

Versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station - Masturi, Distt - Bilaspur, Chhattisgarh.

--- Respondent

MCRC No. 1678 of 2026

1 - Mohammad Matin S/o Late Mohammad Mukhtar Aged About 22 Years R/o Atal Aawas Koni, District Bilaspur (C.G.)

---Applicant (in jail)

Versus

1 - State Of Chhattisgarh Through - Station House Officer, Police Station Masturi, District Bilaspur (C.G.)

--- Respondent

For Applicant :-
In MCRC No. 1603/2026 :- Mr. Manoj Paranjpe, Senior Advocate
with Mr. Kabeer Kalwani, Advocate
In MCRC No. 1678/2026 :- Mr. Rahul Goswami, Advocate
In MCRC No. 2344/2026 :- Ms. M. Asha, Advocate
In MCRC No. 2495/2026 :- Mr. Bhaskar Payashi, Advocate
For Objector :- Mr. Prafull Bharat, Senior Advocate with
Mr. Umakant Singh Chandel, Advocate
For State :- Mr. H.A.P. S. Bhatia, Panel Lawyer

SB - Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

02.07.2026

1. These are the **first bail applications** filed by the applicants under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 736/2025, registered at Police Station – Masturi, District Bilaspur (CG), for the following offences :-

Applicants	Offence
Akbar Khan (A-1) (MCRC/1603/2026)	Under Sections 109, 111, 61(2), 3(5) of Bhartiya Nyay Sanhita, 2023 (in short “BNS”) and Section 25 and 27 of the Arms Act, 1959.
Devesh Suman @ Nikku (A-2) (MCRC/2495/2026)	Under Sections 109, 111, 61(2), 3(5) of the BNS and Sections 25 and 27 of the Arms Act.

Mohammad Mustkim @ Nafis (A-3) (MCRC/2344/2026)	Under Sections 109, 61(2), 3(5) of the BNS and Sections 25 and 27 of the Arms Act.
Mohammad Matin (A-4) (MCRC/1678/2026)	Under Sections 109, 62(2), 3(5) of the BNS and Sections 25 and 27 of the Arms Act.

2. Case of the prosecution, in brief, is that on 28/10/2025 at about 6 PM, complainant Nitesh Singh allegedly informed the Masturi Police Station via phone call that some unknown persons have opened indiscriminate fire outside the office of Tamesh Singh, situated at Masturi, with the intention of killing Tamesh Singh as well as other people present therein.
3. Further case of the prosecution is that the complainant Nitesh Singh along with his maternal uncle Tamesh Singh and 9-10 other persons were sitting outside the office of Tamesh Singh when two unknown assailants, standing at a distance of about 10-15 feet, opened indiscriminate fire and two other persons were waiting on motorcycles to facilitate the escape of the assailants after the incident. As a result of the firing, Dhanendra Singh @ Raju Singh sustained gunshot injuries on his left leg and left hand and Chandrakant Singh sustained a gunshot injury on his right palm and both the injured persons were admitted to the Hospital and remained

under treatment for three days. Thereafter, upon investigation, during the Test Identification Parade (TIP), Arman @ Balamjeet Anant and Chahat @ Vikramjeet were identified to be assailants by the complainant. Further on the basis of memorandum statements of Arman @ Balamjeet Anant and Chahat @ Vikramjeet, it was alleged that Akbar Khan (A-1) along with Nagendra Rai and Tikeshwar Singh had held a meeting with Vishwajeet Anant and offered him a contract (supari) of Rs. 2,00,000/- to eliminate Nitesh Singh, Chandrakant Singh, Raju Singh, Tamesh Singh and others. Furthermore, as per the memorandum statement of Vishwajeet Anant, Akbar Khan (A-1) had met him about six days prior to the incident at Anna Dosa (restaurant) and instructed him to execute the alleged plan and as per the memorandum statement of Arman @ Balamjeet, a meeting was held two days prior to the incident at Devesh Suman @ Nikku's Dhaba (A-2) during which weapons were distributed among the assailants. Upon completion of investigation, charge-sheet was filed against all the accused persons.

- 4.** Mr. Manoj Paranjpe, learned senior counsel appearing on behalf of applicant/accused Akbar Khan (A-1) in MCRC/1603/2026, would submit that the applicant has been falsely implicated in the present case and has not committed

any offence as alleged. It is contended that the applicant has been implicated merely on the basis of the memorandum statements of the co-accused and the call detail records, without there being any independent incriminating material connecting him with the alleged offence. It is further submitted that, except for one mobile phone, no recovery has been made from the applicant and that he was neither present at the place of occurrence nor had any role in the alleged incident. Learned counsel further submits that during the Test Identification Parade, the victim identified only two persons, neither of whom is the present applicant, which itself demolishes the prosecution case against him. It is argued that in the absence of any substantive evidence or recovery, cannot constitute sufficient material to establish the applicant's involvement. So far as the criminal antecedents of the applicant are concerned, although the applicant has nine previous criminal cases, it is submitted that he has been acquitted in all such cases except two cases registered in the year 2024, which are still pending consideration. It is lastly submitted that the applicant has remained in judicial custody since 01.11.2025, the investigation has been completed and the charge-sheet has already been filed, comprising about 459 pages and citing as

many as 73 prosecution witnesses, and therefore the conclusion of the trial is likely to take considerable time, as such, it is prayed that the applicant be enlarged on bail.

5. Mr. Bhaskar Payashi, learned counsel for the applicant/accused namely Devesh Suman @ Nikku (A-2) in MCRC/2495/2026, would submit that the applicant has been falsely implicated in the present case and that no overt act has been attributed to him in the entire prosecution case. It is contended that the applicant has no connection with the alleged incident and has been implicated solely on the basis of the memorandum statements of the co-accused, which are inadmissible in evidence, there being no independent incriminating material against him. It is further submitted that, except for the seizure of one mobile phone, no other incriminating article has been recovered from the possession of the applicant. Learned counsel further submits that the applicant has no concern with the alleged dispute between the complainant and the accused persons, except that he is the owner of the Nikku Dhaba wherein the alleged accused persons conducted a meeting prior to the incident. It is also submitted that the applicant has been in judicial custody since 01.11.2025, the investigation has been completed and a voluminous charge-sheet has been filed and therefore, the

trial is likely to take considerable time and therefore, no purpose would be served to keep him in further detention. So far as the criminal antecedents of the applicant are concerned, it is submitted that he had only two previous criminal cases and he has already been acquitted in both of them. Thus, it is prayed that the applicant be enlarged on bail.

6. Ms. M. Asha, learned counsel for the applicant/accused namely Mohammed Mustkim @ Nafis (A-3) in MCRC/2344/2026, would submit that the applicant has been falsely implicated in the present case and has no role in the alleged offence. Learned counsel further submits that the prosecution has relied upon the call detail records to allege that the applicant was in telephonic contact with the co-accused; however, mere telephonic conversation, in the absence of any material establishing participation in the alleged conspiracy, cannot constitute incriminating evidence. It is further argued that the implication of the applicant is primarily based on the memorandum statements of the co-accused, which, in the absence of independent corroboration, are legally insufficient to establish his complicity. Although the prosecution alleges recovery of one pistol and one magazine from the possession of the

applicant, it is submitted that the ballistic examination report has not yet been filed and, therefore, there is no scientific material to connect the alleged weapon with the commission of the offence. Learned counsel also submits that during the Test Identification Parade, the present applicant was not identified, as the complainant identified only two persons, namely Arman @ Balamjeet and Chahat @ Vikramjeet. It is also submitted that the applicant has been in judicial custody since 29.10.2025, the investigation has been completed and charge-sheet has been filed, and therefore, the trial is likely to take considerable time to conclude. So far as the criminal antecedents of the applicant are concerned, it is submitted that he has only one previous criminal case, namely Crime No. 449/2024 registered under Sections 109, 61(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25 and 27 of the Arms Act, and mere pendency of the said case, in the absence of any conviction, cannot be a ground to deny bail, as such, it is prayed that the applicant be enlarged on bail.

7. Mr. Rahul Goswami, learned counsel for the applicant/accused Mohammad Matin (A-4) in MCRC/1678/2026, would submit that the applicant has been falsely implicated in the present case and has no role in the

alleged offence. It is contended that the only allegation against the applicant is that he, being the younger brother of co-accused Moh. Mustakim @ Nafis, was allegedly present in a meeting of the co-accused held two days prior to the incident at the dhaba of co-accused Devesh Suman @ Nikku. It is further submitted that the prosecution also alleges recovery of one motorcycle, certain clothes and other articles from an abandoned house situated near Nikku Dhaba at the instance of the applicant; however, such recovery does not establish his participation in the alleged crime and there is no independent material connecting him with the commission of the offence. Learned counsel submits that the applicant has been implicated primarily on the basis of the statements of the co-accused, without any cogent and independent evidence. It is further submitted that the applicant has been in judicial custody since 29.10.2025, the investigation has been completed charge sheet has been filed, and therefore, the conclusion of the trial is likely to take considerable time. So far as the criminal antecedents of the applicant are concerned, it is submitted that he has three previous criminal cases out of which, two are pending trial pertaining to the year 2021 and 2024, and except for the said cases, no other criminal case is pending against him. On

these grounds, it is prayed that the applicant be enlarged on bail.

- 8.** Mr. H.A.P.S. Bhatia, learned State counsel opposes the bail application and submits that the material collected during the course of investigation prima facie establishes the involvement of the applicants in the alleged offence. It is contended that the prosecution case discloses a pre-planned criminal conspiracy to eliminate the complainant party, pursuant to which the assailants opened 13 rounds of indiscriminate fire with a clear intention to cause their death. It is further submitted that although the complainant party sustained comparatively minor injuries, the manner in which the offence was committed unmistakably demonstrates the intention of the assailants to commit murder. Learned State counsel further submits that one of the co-accused is a juvenile whose criminal revision has already been dismissed by this Court. It is contended that the applicants have been implicated on the basis of the memorandum statements of the co-accused, the call detail records, the recoveries effected during investigation and the statements of the prosecution witnesses. Considering the gravity and seriousness of the allegations, it is submitted

that no case for grant of bail is made out and the applications deserve to be rejected.

- 9.** Mr. Prafull Bharat, learned Senior counsel appearing for the objector, vehemently opposes the bail applications and adopts the submissions advanced by the learned State counsel. It is submitted that the material collected during investigation clearly discloses a well-planned criminal conspiracy hatched to eliminate the complainant party. It is contended that, in furtherance of the conspiracy, the accused persons, held meetings prior to the incident and thereafter, executed the plan by opening indiscriminate fire in a public place with an intention to commit murder. Learned counsel submits that the applicants were active participants in the conspiracy and their involvement is supported by the memorandum statements of the co-accused, the recoveries effected during investigation, the call detail records and the statements of prosecution witnesses. It is further submitted that some of the applicants are habitual offenders having criminal antecedents and, therefore, do not deserve the discretionary relief of bail. It is lastly submitted that the bail sought by the juvenile co-accused has already been declined by this Court and considering the gravity of the offence, the present applications also deserve to be rejected.

- 10.** I have heard learned counsel for the parties, considered their rival submissions made herein-above and went through the record with utmost circumspection.
- 11.** It is apparent on the face of the record that all the four applicants/accused persons have been alleged by the prosecution to have opened 13 rounds of indiscriminate fire outside the office of Tamesh Singh on account of which Dhanendra Singh @ Raju Singh sustained injuries on his left leg and left hand (non-vital body parts) and Chandrakant Singh suffered injury on his right palm (non-vital body part) and they remained hospitalized for three days.
- 12.** So far as the applicant/accused Akbar Khan (A-1) is concerned, it is the case of the prosecution that as per the memorandum statement of Vishwajeet Anant and Arman @ Balamjeet, Akbar Khan (A-1) along with other co-accused persons held a meeting with Vishwajeet Anant and conspired to eliminate the complainant and others, however, nothing has been recovered from him except for a mobile phone and it is not been alleged by the prosecution that Akbar Khan (A-1) was the one of the assailants who opened indiscriminate fire at the spot.

13. So far as applicant/accused Akbar Khan (A-1) is concerned, the main allegation against him is that he had allegedly participated in the conspiracy and held a meeting with Vishwajeet Anant and conspired to eliminate the complainant and others. Prima facie, the said allegation is founded substantially on the memorandum statements of the co-accused persons and the call detail records relied upon by the prosecution. Admittedly, the applicant has not been identified in the Test Identification Parade, wherein only the alleged assailants, namely, Arman @ Balamjeet Anant and Chahat @ Vikramjeet, were identified. Moreover, except for seizure of one mobile phone, no other incriminating article has been recovered from the possession of the applicant. Though the applicant has criminal antecedents, it is not disputed that he has been acquitted in all except two pending cases. The applicant has remained in judicial custody since 01/11/2025, the investigation has been completed and the charge-sheet has already been filed and charges have been framed. Therefore, without expressing any opinion on the merits of the case, this Court is of the view that further custodial detention of the applicant is not warranted.

14. In respect of applicant Devesh Suman @ Nikku (A-2), the allegation against him is that a meeting of the alleged conspirators was held at his dhaba two days prior to the incident and that weapons were allegedly distributed therefrom. However, apart from the memorandum statements of the co-accused, no independent material has been brought on record at this stage to substantiate the said allegation. No overt act has been attributed to the applicant in the commission of the offence and no incriminating article, except one mobile phone, has been recovered from his possession. The applicant has already been acquitted in one of the two earlier criminal cases cited against him and the other criminal case is still pending consideration. The applicant has remained in custody since 01.11.2025 and, the investigation having been completed with filing of the charge-sheet, his further custodial interrogation is no longer necessary as charges have been framed.

15. So far as applicant Mohammad Mustkim @ Nafis (A-3) is concerned, though the prosecution alleges recovery of one pistol and one magazine from his possession, it is not in dispute that the ballistic examination report has not yet been placed on record so as to prima facie connect the alleged weapon with the crime in question. The applicant has not

been identified in the Test Identification Parade and the principal allegations regarding conspiracy are again founded upon the memorandum statements of the co-accused and the call detail records. The applicant has remained in judicial custody since 29.10.2025 and the charge-sheet has already been filed. Merely because another criminal case is pending against the applicant, in the absence of any conviction therein, the same cannot by itself be a ground to deny the benefit of bail in the facts of the present case.

- 16.** Insofar as applicant Mohammad Matin (A-4) is concerned, the allegations against him are comparatively limited in nature. The prosecution alleges his presence in the meeting of the co-accused and recovery of one motorcycle, certain clothes and other articles from an abandoned house at his instance. At this stage, the evidentiary value of such recovery and its nexus with the alleged offence are matters to be examined during trial. Except for the memorandum statements of the co-accused and the aforesaid recovery, no independent material has been pointed out connecting the applicant with the actual commission of the offence. The applicant has remained in custody since 29.10.2025, the investigation has been completed and the charge-sheet has already been filed. Although the applicant has certain

criminal antecedents, the same by itself cannot be treated as an absolute bar to grant of bail, particularly when the trial is likely to take considerable time for its conclusion.

- 17.** It is also relevant to note that the investigation in the present case stands concluded and the charge-sheet, running into approximately 459 pages and citing as many as 73 prosecution witnesses, has already been filed and charges have been framed. Considering the volume of evidence and the number of witnesses, the conclusion of the trial is likely to take considerable time. The applicants have remained in judicial custody for a substantial period and no purpose would be served by their continued detention when their further custodial interrogation is no longer required. At this stage, this Court is only required to form a prima facie opinion for the purpose of considering the prayer for bail, without entering into the merits of the prosecution case.
- 18.** Accordingly, having regard to the nature of allegations, the evidence presently available on record, the period of custody undergone by the applicants, completion of investigation, filing of the charge-sheet, framing of charges and the likely delay in conclusion of the trial, this Court is of the considered opinion that this is a fit case for grant of bail to the present applicants.

- 19.** Consequently, all the bail applications are allowed.
- 20.** It is directed that the applicants Akbar Khan (A-1), Devesh Suman @ Nikku (A-2), Mohammad Mustkim @ Nafis (A-3) and Mohammad Matin (A-4) be released on regular bail in connection with Crime No. 736/2025 registered at Police Station Masturi, District Bilaspur (C.G.), on each of them furnishing a personal bond in the sum of Rs. 1,00,000/- (Rupees One Lakh only) with one surety in the like amount to the satisfaction of the trial Court concerned, subject to the following conditions:
- (i) That, the applicants shall furnish a specific undertaking that while on bail, they will not commit any offence, otherwise bail granted to them shall be liable to be cancelled and shall co-operate the prosecution during trial.
- (ii) That, the accused/applicants shall make themselves available for interrogation before the concerned Investigating Officer as and when required and the accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.

(iii) That, the accused/applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial.

(vi) in the event of breach of any of the aforesaid conditions, it shall be open to the prosecution to seek cancellation of bail in accordance with law.

21. It is made clear that the observations made herein are confined only to the adjudication of the present bail applications and shall not be construed as an expression on the merits of the case, which shall be decided independently by the trial Court on the basis of the evidence led before it.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet