



CGHC010287192026



2026:CGHC:32644

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 6861 of 2026**

1 - Sagar Nirmalkar S/o Ramadha Nirmalkar Aged About 26 Years R/o Village Kokri Near Panchayat P.S. Utai, District And Tehsil Durg, Chhattisgarh (Complete Details Are Not Mentioned In Impugned Order)

2 - Vaman Nirmalkar S/o Ramadhar Nirmalkar Aged About 35 Years R/o Village Kokri Near Panchayat P.S. Utai, District (Complete Details Are Not Mentioned In Impugned Order)

... Applicants**versus**

State of Chhattisgarh Through Police Station Utai, District Durg, C.G.

... Non-Applicant

For Applicants	: Mr. Sudhanshu Kumar Singh, Advocate.
For Non-Applicant/State	: Mr. Sangharsh Pandey, Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****29.07.2026**

- This is the First bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 04/2026 registered at Police Station- Utai, District Durg, (C.G.), for the offence punishable under Sections 109, 296, 115(2), 351(3), 191(2), 191(3), 324(1), 112 and 3(5) of the Bhartiya Nyaya Sanhita, 2023.

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signed by
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2. The case of the prosecution, in brief, is that on 03.01.2026, the complainant, Tikam Sahu, along with Ved Prakash, had gone to village Kokri on a Pulsar N-160 motorcycle to attend a Jasgeet programme. It is alleged that while they were returning on 04.01.2026 at about 12:30 P.M. and reached near a sugarcane field, they noticed a crowd gathered at the spot in connection with an accident. When the complainant inquired about the incident, the accused persons allegedly became aggressive and, in furtherance of their common intention, assaulted the complainant and Ved Prakash with an iron pipe, club, as well as by fists and kicks. As a result of the assault, Ved Prakash sustained injuries on his left hand, both legs, thigh, neck and head. On the basis of the aforesaid allegations, the police registered the offence against the applicants and other co-accused persons. Hence, the present bail application.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that the names of the present applicants do not find place in the FIR, wherein only two persons, namely Jitendra Hirwani and Kundan, have been specifically named. It is argued that the principal allegation of assault with an iron pipe has been attributed to co-accused Anuj, whereas the allegation of assault with a club has been attributed to co-accused Kundan, and no specific overt act causing injury has been assigned to the present applicants. He further submits that there are as many as ten accused persons involved in the alleged incident and that the occurrence appears to have taken place in a sudden and confused situation arising out of a

suspicion that the complainant party had caused an accident, due to which members of the crowd allegedly assaulted the injured persons. It is also submitted that the applicants belong to poor families and are the sole bread earners of their respective families. He fairly points out that the bail applications of certain co-accused persons have been dismissed by this Hon'ble Court in MCRC No. 3160/2026, MCRC No. 3475/2026, MCRC No. 3498/2026, MCRC No. 3585/2026 and MCRC No. 3735/2026; however, it is contended that the case of the present applicants stands on a different footing, particularly in view of the fact that they were not named in the FIR and no specific role has been attributed to them. It is contended that the applicants are in jail since 05.01.2026 and the conclusion of trial is likely to take considerable time, therefore, he prays that the applicant deserves to be released on regular bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. He further submits that the applicants, along with other co-accused persons, formed an unlawful assembly and participated in the assault upon the complainant party, as a result of which Ved Prakash sustained injuries on vital parts of his body, including his head. He further submits that the statements of the witnesses recorded during investigation specifically implicate the applicants in the commission of the offence and reveal their active participation in the incident. It is argued that merely because the names of the applicants were not mentioned in the FIR, they cannot claim innocence when their involvement has subsequently

surfaced during investigation. He further points out that the bail applications of similarly situated co-accused persons have already been rejected by this Hon'ble Court in MCRC No. 3160/2026, MCRC No. 3475/2026, MCRC No. 3498/2026, MCRC No. 3585/2026 and MCRC No. 3735/2026, and therefore the present applicants are also not entitled to any relief. Considering the nature and gravity of the offence, the role attributed to the applicants, and the material collected during investigation, it is prayed that the applicant is also not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the nature and gravity of the allegations, the manner in which the incident is alleged to have occurred, the material collected during the course of investigation, and the specific allegations regarding the assault upon the complainant party resulting in injuries to Ved Prakash, including injuries on vital parts of the body. Further considering the fact that though it has been argued on behalf of the applicants that their names do not appear in the FIR, the case diary reveals that during investigation, statements of witnesses have been recorded implicating the applicants and indicating their participation in the incident along with other co-accused persons. This Court also takes note of the fact that the bail applications of similarly situated co-accused persons have already been considered and rejected by this Court in MCRC No. 3160/2026, MCRC No. 3475/2026, MCRC No. 3498/2026, MCRC No. 3585/2026 and MCRC No. 3735/2026. In the absence of any

distinguishing feature having been pointed out so as to place the present applicants on a different footing from the aforesaid co-accused persons, this Court does not find any ground to take a contrary view. Therefore, this Court is of the considered opinion that the present applicants are not entitled to be released on bail at this stage.

7. Accordingly, the bail application of the applicants – **Sagar Nirmalkar** and **Vaman Nirmalkar**, involved in Crime No. 04/2026 registered at Police Station– Utai, District Durg, (C.G.), for the offence punishable under Sections 109, 296, 115(2), 351(3), 191(2), 191(3), 324(1), 112 and 3(5) of the Bhartiya Nyaya Sanhita, 2023, 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 forthwith.

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan