



CGHC010323912026



2026:CGHC:37380

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 7724 of 2026

SAURABH
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Date: 2026.08.20
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1 - Bhaiyya Lal Devvanshi S/o Dayalu Ram Aged About 50 Years
R/o Gram Kosmi- D, Police Station- Mainpur, District- Gariyaband,
Chhattisgarh.

2 - Gorelal Devvanshi S/o Dayalu Ram Aged About 57 Years R/o
Gram Kosmi - D, Police Station- Mainpur, District- Gariyaband,
Chhattisgarh.

... Applicants

Versus

State Of Chhattisgarh Through Police Station - Mainpur, District-
Gariyaband, Chhattisgarh.

... Respondent(s)

For Applicants : Mr. Hardik Jaiswal, Advocate.

For Non-applicant/State : Ms. Ankita Shukla, P.L.

HON'BLE MR. RAMESH SINHA, CHIEF JUSTICE

ORDER ON BOARD

20.08.2026

- This is the 1st 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. 45/2026 registered at Police Station – Mainpur, District- Gariyaband (C.G.), for the offences under Sections 296, 115 (2), 351 (3), 109, 121 (1), 127 (2), 132 and 3 (5) of B.N.S.

2. That, as per the prosecution case, Police Officer Parmeshwar Netam of Police Camp Darripara lodged a written report alleging that on 15.03.2026, at about 7:00 P.M., the informant, along with police staff, namely Vimal Lakra, Vinod Manhar and other staff members, proceeded to Village Kosmi (D) on a routine village visit. Upon reaching the village, they allegedly collected information regarding the village by making enquiries from one Narendra @ Balma Nirmalkar. Thereafter, while proceeding along the unpaved road near the house of the applicants, they allegedly noticed Bhaiya Lal Devvanshi, Gorelal Devvanshi, Uttam Devvanshi and Pyare Lal Markam alias Golu Devvanshi standing there. It is further alleged that, upon noticing the police personnel, the aforesaid persons referred to an earlier seizure of illicit liquor and stated that the police personnel frequently visited their village and seized liquor. According to the FIR, all four persons thereafter surrounded the police personnel from all sides, abused them in filthy language, criminally intimidated them by threatening to kill them, and assaulted them with fists and with weapons

such as tangias, sticks and iron rods. The prosecution has further alleged that the accused persons obstructed the police personnel in the discharge of their official duties and assaulted them with deadly weapons with the intention of causing their death, resulting in injuries to the police personnel. On the basis of the aforesaid allegations, the present crime came to be registered against the applicants and other co-accused persons on 16.03.2026, vide FIR No. 45/2026. **Annexure A/2** is a copy of FIR No. 45/2026. Hence this application.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He submits that the co-accused, namely Uttam Devvanshi, has also been granted bail by this Court in MCRC No. 6873 of 2026 vide order dated 29.07.2026. Learned counsel further submits that the principle of parity squarely applies in favour of the applicants, inasmuch as the similarly situated co-accused has already been enlarged on bail, whereas the applicants continues to remain in custody. It is argued that the role attributed to the applicants is not distinguishable from that of the co-accused who has been granted bail and, therefore, denial of bail to the applicant would amount to hostile discrimination. It is further submitted

that the applicants have remained in custody for a considerable period and that the trial is likely to take considerable time to conclude. There is also no likelihood of the applicant absconding or tampering with the prosecution evidence. Hence, it is prayed that the applicants be released on bail.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed before the competent Court.
5. Considering the submissions advanced by learned counsel for the parties, the nature of the allegations, the period of pre-trial detention, the fact that the co-accused, namely Uttam Devvanshi, has also been granted bail by this Court in MCRC No. 6873 of 2026 vide order dated 29.07.2026, this Court is of the considered opinion that the Applicants are entitled to the benefit of parity. Considering the overall facts and circumstances of the case, the likelihood of the trial taking considerable time to conclude, and without expressing any opinion on the merits of the case, this Court is of the considered opinion that the Applicants deserves to be enlarged on bail on the ground of parity. Accordingly, the application is allowed.
6. Let Applicant No. 1- **Bhaiyya Lal Devvanshi** and Applicant

No. 2 – **Gorelal Devvanshi** involved in Crime No. 45/2026 registered at Police Station – Mainpur, District- Gariyaband (C.G.), for the offences under Sections 296, 115 (2), 351 (3), 109, 121 (1), 127 (2), 132 and 3 (5) of B.N.S 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 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.

7. 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

Saurabh