



CGHC010326662026



2026:CGHC:44637

**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**MCRC No. 7820 of 2026**

1. Chandan Yadav S/o Kashiram Yadav, Aged About 22 Years R/o Village Kendri, Bhathapara, Near Water Tank, Police Station - Abhanpur, District - Raipur (C.G.)
2. Chandrashekhar Sahu, S/o Shrtughan Sahu, Aged About 28 Years R/o - Village Kendri, Ward No. 2 Police Station - Abhanpur, District - Raipur (C.G.)

**--- Applicant**

**versus**

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

**--- Non-applicant**

**WITH**

**MCRC No. 7972 of 2026**

1. Lilesh Sen S/o Ishwar Sen Aged About 26 Years R/o New Subhash Nagar, Ward No. 62 Tikrapara, Raipur, District- Raipur (C.G.)

**---Applicant**

**Versus**

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

**--- Non-applicant**

|                   |   |                                                                              |
|-------------------|---|------------------------------------------------------------------------------|
| For Applicants    | : | Ms. Fouzia Mirza, Senior Advocate<br>assisted by Mr. Naveen Shukla, Advocate |
| For Non-applicant | : | Mr. Keshav Prasad Gupta, G.A.                                                |

**Hon'ble Shri Justice Rakesh Mohan Pandey**

**Order On Board**

**15.10.2026**

- 1) The applicants have preferred these First Bail Applications under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 29/2026, registered by Police Station Abhanpur, District : Raipur (C.G.) for the offence punishable under Sections 103(1), 115(2), 191(2) and 296 of Bhartiya Suraksha Sanhita, 2023.
  
- 2) The case of the prosecution, in brief, is that on 14.01.2026 at around 11:00 PM, the applicants, along with co-accused persons, were travelling in an Innova car towards Abhanpur when they were intercepted by the deceased Kailash Tiwari, Hemant, and Jay @ Ajay Gond, who were riding an Activa scooter, over a dispute regarding wrong-side driving. A violent scuffle ensued between the parties. Subsequently, the applicants and the co-accused boarded the car, and Dilesh Mandavi, who was driving the vehicle, dashed it against Kailash Tiwari, who sustained multiple injuries resulting in his death. The applicants then fled the scene. Thereafter, the police registered the afore-stated

offence against the accused persons and arrested the applicants on 17.01.2026.

- 3) Learned Senior Counsel appearing for the applicants submits that a scuffle had ensued between the parties, leading to the lodging of cross-FIRs, as applicant Chandan Yadav sustained severe knife injuries at the hands of the complainant party. She further submits that the fatal vehicle collision was purely accidental, occurring while the accused persons were attempting to flee in self-defence from a violent attack. She also submits that the applicants have no criminal antecedents, the charge-sheet has already been filed, and they have been in custody since 17.01.2026. Since the conclusion of the trial is likely to take considerable time, she prays that the applicants be enlarged on regular bail.
- 4) On the other hand, learned State counsel opposes the bail application and submits that there is a direct allegation against the applicants to the effect that following a violent altercation, in furtherance of their common intention, they drove the car over Kailash Tiwari, who sustained grievous injuries and subsequently succumbed to them. He further submits that there are two eyewitnesses, namely Hemant and Jay @ Ajay Gond, who witnessed the incident; therefore, the applicants are not entitled to the grant of bail.

- 5) I have heard learned counsel for the parties and perused the case diary.
- 6) Admittedly, the present applicants are named in the FIR and specific allegations have been levelled against them that, pursuant to a violent altercation and in furtherance of common intention with the co-accused, they drove an Innova car over Kailash Tiwari, which caused grievous cervical spine injuries leading to his death. It is urged by the applicants that the collision was neither deliberate nor premeditated, but an act committed in the exercise of their right of private defence in the face of an imminent threat to life and limb but the veracity of the allegations made in the FIR cannot be examined in light of defense taken by Ms. Mirza.
- 7) It is a settled principle of law that the Court's role at the stage of bail is confined to verifying the existence of a *prima facie* case. In the present case, although the incident occurred on 14.01.2026 and the FIR was lodged on 17.01.2026, there are specific allegations that the deceased, Kailash Tiwari, sustained a cervical spine injury after being mowed down by the car driven by the applicants following a violent altercation, and succumbed to the same.
- 8) In view of the aforesaid discussion, coupled with the fact that

there are two eyewitnesses, namely, Hemant and Jay @ Ajay Gond, who witnessed the incident, the involvement of the applicants in the commission of the alleged offence cannot be ruled out at this stage.

- 9) Consequently, this Court is not inclined to grant bail to the applicants and the instant bail applications are **rejected**.

Sd/-  
(Rakesh Mohan Pandey)  
JUDGE

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