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KUNAL DEWANGAN

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 5630 of 2026

Rajesh Kumar Kurre S/o Virendra Kumar Kurre Aged About 29 Years R/o Bilari, P.S. Sheorinarayan, Distt. Janjgir Champa, Chhattisgarh.

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, P.S. Sheorinarayan, Distt. Janjgir Champa, Chhattisgarh.

... Non-Applicant(s)

For Applicant	:	Mr. V.R. Tiwari, Senior Advocate along with Mr. Atul K. Kesharwani, Advocate.
For Non-Applicant/State	:	Mr. Dharmesh Shrivastava, Dy. Adv. Gen.
For Objector	:	Mr. Ravindra Sharma, Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

27/10/2026

1. The applicant has preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail, as he has been arrested in connection with Crime No. 208/2025, registered at Police Station Sheorinarayan, District Janjgir-Champa (C.G.), for the offences punishable under Sections 191(2), 191(3), 109(1), 103(1) and 61(2) of the BNS.

2. The prosecution story, in brief, is that on 02.06.2025, at about 9:00

a.m., a dispute arose between the complainant Kishore Kumar Kurre and his family members regarding partition of ancestral property at Village Bilari. It is alleged that the present applicant, along with other co-accused persons, formed an unlawful assembly and assaulted the complainant and his family members with deadly weapons, including a knife, a sharp-edged weapon and sticks. In the said incident, Naresh Kurre sustained grievous injuries and subsequently succumbed to them during treatment, whereas Kishore Kumar Kurre, Krishna Kumar Kurre and Rani Kurre also sustained injuries. Based upon the report, the aforesaid offence was registered against the applicant and other co-accused persons.

3. Learned Senior Advocate appearing for the applicant would submit that the applicant is innocent and has been falsely implicated in the present case. He would further submit that the incident arose out of a sudden family dispute regarding partition of land and there is no cogent evidence to establish that the applicant inflicted any fatal injury upon the deceased. He would further submit that a counter FIR bearing Crime No. 209/2025 was lodged by the applicant's father against members of the complainant party, wherein the learned trial Court has taken cognizance and framed charges under Section 109(1) of the BNS against the complainant/accused persons wherein, they have been granted bail. The applicant himself sustained grievous injuries on his head during the incident. He would further submit that no weapon has been recovered from the possession or at the instance of the applicant. The co-accused persons, namely Virendra Kumar Kurre, Kanti @ Sushila and

Ramshankar Turi, have already been granted bail by Co-ordinate Bench of this Court and therefore, the applicant is also entitled to bail on the ground of parity and in the present case, charge-sheet has already been filed, the applicant is in jail since 05.06.2025 and so far as the status of the trial is concerned, out of 37 prosecution witnesses, only 9 have been examined so far. Thus, the conclusion of trial is likely to take considerable time. Therefore, he prays for grant of bail.

4. On the other hand, learned State counsel as well as learned counsel for the objector would vehemently oppose the prayer for grant of bail and submit that the present applicant, along with co-accused, actively participated in the assault upon deceased Naresh Kurre by means of deadly weapons, resulting in his death. They would further submit that the co-accused persons who have been granted bail stand on a different footing, as the specific allegations of causing fatal injuries are against the present applicant and co-accused Rakesh Kurre (whose bail application has been dismissed by a Co-ordinate Bench of this Court for want of prosecution). It is further fairly submitted that the accused persons/complainant party in the counter-case lodged by the applicant's side, have been enlarged on bail by the learned trial Court. Considering the nature and gravity of the offence and the specific role attributed to the applicant, the bail application deserves to be dismissed.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as the material available on record.

6. Having considered the facts and circumstances of the case, nature

and gravity of the offence, particularly the fact that the present applicant, along with co-accused, is alleged to have actively participated in the assault upon deceased Naresh Kurre with deadly weapons, resulting in grievous injuries and his subsequent death, this Court finds that the role attributed to the present applicant is distinguishable from that of the co-accused persons who have already been granted bail. Therefore, the ground of parity is not available to the applicant. Though a counter-case has also been registered and the applicant has been in custody since 05.06.2025, out of 37 prosecution witnesses, 9 have already been examined, including eyewitnesses to the incident. The credibility and reliability of the evidence cannot be appreciated in detail at this stage, as the same is a matter of trial. Thus, considering the specific allegations against the applicant and the overall facts and circumstances of the case, this Court does not find any good ground to enlarge the applicant on bail.

7. Accordingly, the instant bail application filed by the applicant, involved in Crime No. 208/2025, registered at Police Station Sheorinarayan, District Janjgir-Champa (C.G.), for the offences punishable under Sections 191(2), 191(3), 109(1), 103(1) and 61(2) of the BNS., is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal