CGHC010370612026 2026:CGHC:43497

NAFR

KUNAL DEWANGAN

Digitally signed by KUNAL DEWANGAN

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8844 of 2026

Avinash Chauhan Alias Mithun S/o S/o Tarjan Aged About 30 Years Resident Of Dhimrapur Chowk, Raigarh, District Raigarh Chhattisgarh, Chhattisgarh

... Applicant(s)

versus

State Of Chhattisgarh Through Station House Officer, Police Station-Dabhara, District Sakti C.G.

... Non-Applicant(s)

For Applicant	:	Mr. Leekesh Kumar, Advocate holding the brief of Mr. Pramod Kumar Navratna, Advocate.
For Non-Applicant/State	:	Mr. K.S. Saini, Dy. Govt. Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

07/10/2026

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. 241 of 2026 registered at Police Station Dabhara, District Sakti, Chhattisgarh, for the offence punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023.

2. The prosecution case, in brief, is that on 05.07.2026, during a “Dashkaram” programme at the complainant's house, several motorcycles were parked outside the house. At about 2:30 a.m. on 06.07.2026, the applicant allegedly approached the motorcycles, attempted to unlock them and started a Hero Splendor Plus motorcycle bearing registration No. CG 11 AM 8398. He was allegedly caught red-handed by the complainant and others while attempting to take away the said motorcycle. Thereafter, the FIR was lodged against the applicant and after completion of investigation, charge-sheet has been filed before the competent Court on 07.07.2026.

3. Learned counsel for the applicant would submit that the applicant is innocent and has been falsely implicated in the alleged offence and that there is no credible evidence against him and he has been arrested merely on suspicion. He would further submit that the charge-sheet has already been filed before the competent Court and the applicant is in custody since 06.07.2026. So far as the criminal antecedents are concerned, the applicant has three antecedents, out of which he has already been acquitted in two cases, while one case for the offences punishable under Sections 25 and 27 of the Arms Act is pending trial. He would further submit that the conclusion of the trial is likely to take some time. Therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that one criminal antecedent of the

applicant under the Arms Act is still pending. He would further submit that there is a serious allegation against the applicant and that he was allegedly caught red-handed by the complainant and others while attempting to take away the motorcycle. Therefore, the bail application deserves to be rejected.

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

6. Having considered the facts and circumstances of the case, nature and gravity of the offence alleged against the applicant, the fact that charge-sheet has already been filed before the competent Court, the applicant has remained in custody since 06.07.2026 and further considering that out of three criminal antecedents, the applicant has already been acquitted in two cases and one case under Sections 25 and 27 of the Arms Act is pending trial and the conclusion of the trial is likely to take some time, thus without further commenting upon the merits of the case, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**. It is directed that in the event of the applicant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions:-

(i) he 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 from disclosing such fact to the Court;

(ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, &

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal