CGHC010388422026 2026:CGHC:45584

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9449 of 2026

1 - Ashwani Chandrakar S/o Uttam Chandrakar Aged About 23 Years R/o Shakti Nagar, Durg Police Station- Mohan Nagar, District- Durg (C.G.)

--- **Applicant**

versus

1 - State Of Chhattisgarh Through Police Station- Mohan Nagar, District- Durg (C.G.)

--- **Non-applicant**

For Applicant	**:**	Mr. B.P. Singh, Advocate
For Non-applicant /State	**:**	Ms. Ankita Shukla, P.L.

MCRC No. 9548 of 2026

1 - Aditya Sen @ Branded S/o Prakash Sen Aged About 19 Years R/o Ward No. 18, Shakti Nagar Near Pond Near Durga Mitra Mandal Stage Durg Police Statin Mohan Nagar District Durg Chhattisgarh.

---Applicant

Versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Mohan Nagar Durg District Durg Chhattisgarh.

--- **Non-applicant**

For Applicant	**:**	Mr. Ajay Thakre, Advocate
For Non-applicant /State	**:**	Ms. Ankita Shukla, P.L.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

28/10/2026

1. Since both of these bail applications arise out of a similar Crime No., therefore, they have been clubbed together, heard together and are being decided by this common order.

2. The applicants have preferred these first bail applications under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail as they have been arrested in connection with Crime No. 134/2026 registered at Police Station Mohan Nagar, District Durg (C.G.) for the offence punishable under Sections 103, 191(2) and 3(5) of BNS and Sections 25 and 27 of the Arms Act.

3. Case of the prosecution, in brief, is that complainant Shiv Kumar Gond lodged police report to the effect that on 16/02/2026 at around 8:30 PM, his son Kshay @ Nanu was severely beatan with sharp-edged weapons by Karan @ Batha, Ashwani, Padu and other associates due to old enmity. In the incident, the accused stabbed the deceased more than once near his back and waist, due to which he became seriously injured and unconscious. He was taken to the Hospital for treatment, but after examination by the doctor, he was declared dead. Hence the case was registered against the present applicants and other co-accused persons.

4. Mr. B.P. Singh and Mr. Ajay Thakre, learned counsel for the applicants would submit that the allegation of commission of murder of deceased Kshay @ Nanu is on main accused Karan @ Batha and the present applicants did not participate in the commission of the offence, they were simply standing at the place of occurrence. It is also submitted that charge-sheet has already been filed and there is no material in the charge-sheet against the present applicants. They would also submit that co-accused Shubham Dewangan @ Raja, against whom similar allegations were levelled as the present applicants, has already been enlarged on bail by this Court vide order dated 17/09/2026 passed in MCRC/6058/2026. It is further contended that the applicants are in jail since 17/02/2026 and since conclusion of

trial is likely to take considerable time, the present applicants may be released on bail.

5. On the other hand, Ms. Ankita Shukla, learned counsel appearing for the non-applicant/State, would oppose the bail application and submit that though the allegation of murder of the deceased has been levelled mainly against co-accused Karan @ Batha but the present applicants also participated in the quarrel between the deceased and the main accused. She would further submit that applicant Ashwani Chandrakar has one criminal antecedent registered in the year 2026 for offence punishable under Sections 115(2), 296 and 3(5) of BNS whereas applicant Aditya Sen @ Branded has three criminal antecedents out of which two were registered in the year 2025 and one has been registered in the year 2026 for offence punishable under Sections 115(2), 296 and 3(5) of BNS which shows that both the applicants are habitual offenders, therefore, the present bail applications are liable to be rejected.

6. I have heard learned counsel for the parties and perused the case diary.

7. Having considered the fact that the allegation of commission of murder of deceased Kshay @ Nanu by inflicting fatal injuries has been levelled on co-accused Karan @ Batha and there is no such allegation against the present applicants that they also participated in commission of the murder of the deceased and

further considering that though there are criminal antecedents of the applicants but bailable offences were registered against them and lastly considering that charge-sheet has already been filed and the applicants are in jail since 17/02/2026 and co-accused Shubham Dewangan @ Raja, against whom similar allegations were levelled as the present applicants, has already been enlarged on bail by this Court vide order dated 17/09/2026 passed in MCRC/6058/2026, without commenting on the merits of the matter, I am inclined to release the present applicants on bail.

8. It is directed that in the event of the applicants executing a personal bond for a sum of **Rs.50,000/- each** with one surety in the like sum to the satisfaction of the concerned trial Court, they shall be released on bail, on following conditions :-

    (i) they 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 them from disclosing such fact to the Court,

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

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

9. The observation made hereinabove is for the purpose of deciding this bail application only, the trial Court shall decide the case on its own merits.

Sd/-

(Rakesh Mohan Pandey)

JUDGE

Harneet