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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9536 of 2026

Abhimanyu Kumar Rajak Son Of Hardev Rajak, Aged About 43 Years Resident Of Village - Raulkela, Police Station Udit Nagar, District - Sundergarh (Odisha) **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station Pithora, District - Mahasamund C.G. **... Respondent**

For Applicant	**:**	Mr. Gaurav Singhal , Advocate
For State/Respondent	**:**	Mr. Sumit Singh, Dy. A.G.

Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

08/10/2026

1. Applicant has filed this **first bail** application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 172/2026 registered at Police Station – Pithora, District - Mahasamund (C.G.), for the offences under Sections 318(4), 338, 336(3), 340(2), 61(2), 111 and 3(5) of B.N.S. and Sections 41(1),41(2)(b)(d) and 52(1) of the Indian Forest Act.

2. The prosecution story, in brief, is that on the basis of a written

complaint dated 04.07.2026 lodged by the Forest Range Officer, Pithora, District Mahasamund (C.G.), the police registered a criminal case alleging that on 17.06.2026, a vehicle bearing Registration No. CG-07-CM-5860, transporting approximately 23,350 kilograms of Khair wood, was intercepted near Pithora. The driver of the said vehicle produced an NTPS (National Transit Pass System) No Objection Certificate bearing No. AP/KU/K/KU-160 dated 14.06.2026 in support of the transportation. Pursuant thereto, the police registered an FIR bearing Crime No. 172/2026 dated 09.07.2026 against the applicant and other co-accused persons.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He submits that other co-accused persons have been released on anticipatory bail in MCRCA No. 1289//2026, MCRCA No.1329/2026, MCRCA No.1374/2026 & MCRCA No.1376/2026 and 5 co-accused persons have been granted regular bail by co-ordinate bench of this Court in MCRC No. 7532/2026, MCRC No.7720/2026, MCRC No.7947/2026, MCRC No. 9003 of 2026 and MCRC No.8021/2026. The allegation against the applicant is similar to those levelled against the other co-accused persons enlarged on bail, therefore, denial of bail to the applicant would amount to hostile discrimination. It is further submitted that the applicant has remained in custody for a considerable period and that the trial is likely to take considerable time to conclude. Hence, it is prayed that the applicant be released on bail.

4. On the other hand, learned State Counsel opposes the bail application and further submits that he is not disputing the submission of learned

counsel for the applicant that the accused persons against whom similar allegations have been levelled were enlarged on anticipatory bail and regular bail. Applicant has no previous criminal antecedents.

5. I have heard learned counsel for the parties.

6. 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 applicant has no criminal antecedents, and the fact that the other co-accused persons have been released on anticipatory bail in MCRCA No. 1289//2026, MCRCA No.1329/2026, MCRCA No.1374/2026 & MCRCA No.1376/2026 and 5 co-accused persons have been granted regular bail by co-ordinate bench of this Court in MCRC No. 7532/2026, MCRC No.7720/2026, MCRC No.7947/2026, MCRC No. 9003 of 2026 and MCRC No.8021/2026, this Court is of the considered opinion that the applicant is 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 applicant deserves to be enlarged on bail on the ground of parity.

7. Accordingly, bail application is **allowed**. It is directed that the applicant shall be released on regular bail, upon furnishing a bail bond in the sum of Rs. 25,000/- with one surety in like sum to the satisfaction of the Court on the conditions that-

> (a) 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.

(b) 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.

(c) 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.

(d) 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.

8. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-

(Parth Prateem Sahu)

JUDGE

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