CGHC010396362026 2026:CGHC:45757

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9596 of 2026

1 - Kanhaiyalal Agariya @ Kanha, S/o Rajendra Singh Agariya, Aged About 19 Years.

2 - Vijay Kumar Agariya @ Bijju, S/o Samar Singh Aged About 20 Years.

3 - Rahul Singh Agariya @ Sonu, S/o Samrath Singh, Aged About 20 Years.
All are R/o Chakabuda Salihapara, Police Station Bankimongra, District-Korba (C.G.)

...Applicants

versus

State of Chhattisgarh Through The Police Station -Bankimogra, District-Korba (C.G.).

--- Respondent

For Applicants : Mr. Amit Kumar Chaki, Advocate.
For Respondent : Ms. Priya Sharma, PL.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29/10/2026

1. This is first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 0176/2026 registered at Police Station -Bankimogra, District- Korba (C.G.), for offences punishable under Sections 296, 115(2), 351(3),

109(1) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.

2. Case of the prosecution, in brief, is that on 09.09.2026 at about 4:00 A.M., present applicants alongwith one juvenile co-accused (Aman Gond) have committed theft in the shop of one Santosh Yadav. Since, said incident was witnessed by the complainant -Ajay Sidar, therefore, applicants and juvenile co-accused (Aman Gond) have assaulted him by means of hands, fist and metallic bangle/bracelet (Kada), due to which, he suffered injuries. Based on report lodged by complainant, FIR was registered against the accused persons for the alleged crime/offence.

3. Learned counsel for the applicants submits that the applicants are innocent, they have falsely been implicated in this case as shop owner Santosh Yadav has never lodged any report/complaint against the present applicants regarding theft in his shop. There was a single head injury suffered by complainant, which was allegedly inflicted by juvenile co-accused Aman Gond by using a metallic bangle/bracelet (Kada). The applicants are not having any previous criminal antecedents, they are in judicial custody since 12.09.2026, charge-sheet has already been filed and conclusion of trial is likely to take considerable time, hence, the applicants may be enlarged on regular bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application and submits that complainant/injured sustained an abrasion and swelling on the head due to the alleged assault with a metallic bangle (Kada). Since, nature of the allegations is

serious, therefore, the applicants do not deserve to be enlarged on regular bail.

5. Heard learned counsel for the parties and perused the case diary as well as the material available on record.

6. Considering facts of the case, nature of offence, submissions of counsel for the parties, particularly nature of injury sustained by the injured-complainant, further considering that applicants are not having any previous criminal antecedents, they are in custody since 12.09.2026, charge-sheet has already been filed and conclusion of trial is likely to take some time, without commenting anything on merits of the case, this Court is inclined to release the applicants on regular bail.

7. Accordingly, the bail application is **allowed**. It is directed that in the event of the applicants executing a personal bond for a sum of Rs.50,000/- with one surety each 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.

8. 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.

Certified copy as per rules.

Sd/-
(Rakesh Mohan Pandey)
Judge

J/-