CGHC010403192026 2026:CGHC:46750

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9770 of 2026

1 - Pankaj Kumar S/o Dhurwa Ram Aged About 29 Years R/o Ward No. 1, Dewarbhat, Post Jamarua, Thana And Distt. Balod, Chhattisgarh.

... Applicant(s)

versus

1 - The State Of Chhattisgarh Through Sho, P.S. Daundi, Distt. Balod, Chhattisgarh. **.. Respondent**

For Applicant	:	Mr. Samir Singh, Advocate
For Respondent/State	:	Mr. Jitendra Shrivastava, G.A.

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

04.11.2026

1. The applicant has preferred this First Bail Application under Section 483 of the BNSS, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 82/2026, registered at Police Station Daundi District Balod (C.G.) for the offence punishable under Sections 106(1), 105, 281 of BNS and 184, 66/192 146/196 and 192(2) of M.V. Act

2 The prosecution case, in brief, is that on 13.05.2026, the deceased Priyanshu, aged about 16 years, along with 13-14 other persons, had travelled in a pickup vehicle bearing registration No. CG-19-BE-4436 from Village Mulluguda to Village Harradula to attend a Chhatti

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ceremony. After the programme, while they were returning at about 11:30 p.m., near Gotul Munda-Beloda Road, the driver of the said vehicle drove it in a rash, negligent and dangerous manner, as a result of which the deceased Priyanshu fell from the vehicle and sustained grievous injuries. During the course of treatment, he succumbed to his injuries at the hospital. Pursuant to the aforesaid incident, the offences punishable under Section 106 (1) and 281 of BNS and Section 184 and 66/192 of M.V. Act were registered against the present applicant.

3 Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the present case. He further submits that, at the time of filing of the charge-sheet, the police added Section 105 of the BNS against the present applicant, pursuant to which he was taken into custody. He would further submit that, in the absence of the requisite intention, the offence punishable under Section 105 of the BNS is not made out against the applicant. According to learned counsel, the incident occurred due to negligence on the part of the present applicant and, therefore, Section 106 of the BNS was rightly mentioned in the FIR. He would further submit that the charge-sheet has been filed, the applicant is in jail since 22.09.2026 and has no criminal antecedents. He, therefore, prays for grant of bail to the applicant.

4 On the other hand, learned State Counsel opposes the bail application and submits that the present applicant was driving the vehicle in a rash and negligent manner and dashed it against a standing tree, resulting in the death of a 16-year-old child. He would further submit that, considering the nature of the incident and the death of the minor

child, the police have rightly added Section 105 of the BNS. Therefore, he prays for rejection of the bail application.

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

6 Taking into consideration the facts and circumstances of the case, particularly the contents of the FIR and the statements of the witnesses, and further taking note of the fact that the charge-sheet has been filed, the deceased lost his life in a motor accident, the applicant has no criminal antecedents and has been in custody since 22.09.2026, and the conclusion of the trial is likely to take some time, without commenting on the merits of the case, this Court is inclined to grant bail to the present applicant. Accordingly, the bail application is **allowed.**

7 Let applicant be released on bail on furnishing a personal bond of Rs. 50,000/- with one surety in the like sum to the satisfaction of the court concerned with the following conditions:-

> **(i)** 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.
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> **(ii)** 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.

(iii) 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.

(iv) 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.

Sd/-

(Rakesh Mohan Pandey)
Judge

Jyoti