CGHC010409712026

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10369 of 2026

1 - Sunil Kurre S/o Shri Gore Lal Kurre Aged About 28 Years R/o Vill - Birgahani P.S. Janjgir, Distt - Janjgir - Champa (C.G.)

2 - Amir Miri @ Bholu S/o Manoj Miri Aged About 25 Years R/o Vill - Birgahani P.S. Janjgir, Distt - Janjgir- Champa (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through S.H.O. P.S. Champa Distt- Janjgir - Champa (C.G.)

... Non-Applicant(s)

For Applicants	:	Mr. Kashish Saluja, Advocate.
For Non-Applicant/State	:	Mr. Keshav Gupta, Govt. Advocate.

Hon'ble Mr. Rakesh Mohan Pandey, Judge

Order on Board

02/11/2026

1. The applicants have preferred this second bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking grant of regular bail, as they have been arrested in connection with Crime No. 18/2026, registered at Police Station Champa, District Janjgir-Champa (C.G.), for the offences

punishable under Sections 140, 109(1), 311, 61(2), 111(1) and 3(5) of the Bharatiya Nyaya Sanhita, 2023, as also under Sections 25 and 27 of the Arms Act, 1959.

2. The earlier first bail application preferred by the applicants was rejected by a coordinate Bench of this Court in MCRC No. 7542/2026 vide order dated 14.08.2026 on merits. Hence, the present second bail application.

3. The case of the prosecution, in brief, is that the complainant, Harish Dewangan, who was working as a Supervisor with M/s Arjun Industries, Champa, had collected an amount of Rs. 20,18,700/- from different firms on 09.01.2026 and was returning on his motorcycle. At about 3:30 PM, near a pond at village Kosmanda, two persons travelling in a black-coloured car intercepted him, threw chilli powder into his eyes, forcibly took him inside the car and assaulted him. Thereafter, he was taken to Mainpat and left near the Selfie Point at about 9:00 PM. The complainant further alleged that 4-5 persons were present in the car and had assaulted him. After returning home and undergoing treatment, he lodged an FIR on 15.01.2026, on the basis of which the aforesaid offences were registered against the applicants and other co-accused persons.

4. Learned counsel for the applicants would submit that the applicants are innocent and have been falsely implicated in the present case. He would further submit that the earlier first bail application preferred by the applicants was rejected by a

coordinate Bench of this Court on merits. However, the fresh ground for filing the present second bail application is that the allegations levelled against the applicants are primarily based on circumstantial evidence and the prosecution has failed to produce any cogent or reliable evidence establishing their involvement in the alleged crime. He would further submit that no incriminating article has been recovered from the possession of the present applicants. He would further submit that the complainant, upon being examined before the learned trial Court, has failed to identify the present applicants and has not supported the prosecution case in material particulars. The failure of the complainant to identify the applicants materially weakens the prosecution case against them. He would also submit that the independent and material prosecution witnesses examined during the course of trial have turned hostile and have not supported the case of the prosecution. Even the person alleged to be the main accused has not supported the prosecution case and has turned hostile before the learned trial Court. He would further submit that the applicants are in judicial custody since 16.01.2026 and the conclusion of the trial is likely to take considerable time. Therefore, learned counsel prays for grant of bail to the applicants.

5. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that the allegations against the applicants are serious in nature. He would further submit that the

earlier first bail application of the applicants was rejected by a coordinate Bench of this Court on merits, after considering the specific allegations that the applicants, along with the co-accused persons, had forcibly taken the complainant in a car after throwing chilli powder into his eyes and had assaulted him. He would contend that merely because certain prosecution witnesses have turned hostile during the course of trial or the complainant has not identified the applicants, the seriousness of the allegations and the material collected during investigation cannot be ignored at this stage. Therefore, the present second bail application deserves to be dismissed.

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

7. It is well settled that, while considering an application for grant of bail, the Court is not required to conduct a mini-trial or undertake a detailed assessment of the credibility and reliability of the prosecution witnesses. The effect of the testimony of the complainant and other witnesses, who have allegedly turned hostile during the course of trial, is a matter to be appreciated by the learned trial Court at the appropriate stage.

8. Having considered the fact that the earlier first bail application of the applicants was rejected by a coordinate Bench of this Court in MCRC No. 7542/2026 vide order dated 14.08.2026 on merits and further considering the nature and gravity of the allegations involved in the present case, this Court finds that the grounds now

urged on behalf of the applicants do not constitute such a substantial change in circumstances as would warrant reconsideration of the prayer for grant of bail. The mere fact that the complainant has not identified the applicants or that certain prosecution witnesses have turned hostile during the course of trial, by itself, would not be sufficient to grant bail to the applicants at this stage.

9. In view of the aforesaid, this Court does not find any good ground to enlarge the applicants on bail. Accordingly, without expressing any opinion on the merits of the case, the present second bail application preferred by the applicants, is hereby **rejected**.

Sd/-
(Rakesh Mohan Pandey)
Judge

Kunal