CGHC010414142026 2026:CGHC:45718

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9958 of 2026

- Maheshwar Diwakar @ Chhote Dauwa S/o Shri Kanshiram Diwakar Aged About 19 Years R/o Village Ward No. 14, Charan Nagar, Champa, Police Station Champa Distt- Janjgir- Champa (C.G.)

... Applicant

versus

- State Of Chhattisgarh Through District Magistrate Janjgir, Distt- Janjgir-Champa (C.G.) (Also Mentioned In The Impugned Order As State Of Chhattisgarh Through Police Station Champa, Distt- Janjgir- Champa (C.G.)

... Non-Applicant

For Applicant : Mr. Khilendra Sahu, Advocate
For State : Ms. Ankita Shukla, Panel Lawyer

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

29.10.2026

1. This is the second bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 18/2026 registered at Police Station Champa District Janjgir-Champa (C.G.), for the offence punishable under Sections 109(1), 140, 3(5), 311, 61(2), 111(1) of BNS and Sections 25 & 27 of Arms Act.

2. Earlier, first bail application i.e. MCRC No. 4406 of 2026 was rejected on merits vide order dated 09.07.2026.

3. The case of the prosecution, in brief, is that the complainant Harish Dewangan lodged an FIR to the effect that on 09.01.2026, the present applicant along with co-accused persons, allegedly threw chilli powder into the eyes of the complainant, abducted him, and attempted to cause his death by throwing him into a gorge near Mainpat Selfie Point. It is further alleged that the accused persons looted a sum of Rs. 20,18,700/- from the complainant. On such complainant, police has registered aforesaid offence against the present applicant.

4. Learned counsel appearing for the applicant would submit that the present applicant has falsely been implicated. He further submits that after rejection of first bail application, 8 witnesses have been examined out of 14 witnesses and they have not supported the case of prosecution. He would further submit that the present applicant is in jail since 16.01.2026, he has no criminal antecedent and trial may take some time for its conclusion. Thus, he would pray for grant of bail to the applicant.

5. On the other hand, learned counsel appearing for the State would oppose the bail application and submit that present applicant along with the co-accused persons are involved in commission of alleged offence, and his name has specifically been mentioned in the FIR. She would further submit that the allegations against the applicant are serious in nature, as he allegedly participated in the abduction of the complainant, attempted to cause his death by throwing him into a gorge. She would submit that first bail application was rejected on merits and there is no change in circumstances, thus, instant application deserves to be rejected.

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

7. It is a well-settled principle of law that, while entertaining a bail application, the High Court cannot conduct a mini-trial or undertake a detailed examination of the evidence. The reliability and credibility of the witnesses are matters to be assessed by the learned Trial Court during course of trial and cannot be assessed at this stage. Though eight prosecution witnesses have been examined out of fourteen, the reliability and credibility of their testimonies are matters to be assessed by the learned Trial Court during course of trial and cannot be examined in detail at this stage. Further, first bail application i.e. MCRC No. 4406 of 2026 was rejected on merits by detailed order vide order dated 09.07.2026, there is no change in circumstances and further considering the allegations leveled against the present applicant, I am not inclined to allow this application.

8. Accordingly, the instant application for the grant of bail is hereby **rejected.**

Sd/-
(Rakesh Mohan Pandey)
JUDGE

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