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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 811 of 2026**

- Ashwani Kumar Dadsena S/o Late Ganbhir Ram Dadsena Aged About 59 Years R/o Village- Angari, Tehsil And District- Balod, Chhattisgarh

... Applicant**versus**

- State Of Chhattisgarh Through Police Station Balod, District : Balod, Chhattisgarh

... Respondent**(Cause title is taken from Case Information System)**

For Applicant : Mr. S.C. Verma, Senior Advocate with Mr. Aditya Agrawal, Advocate

For Respondent/State : Ms. Anusha Naik, Dy.G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order On Board****22.01.2026**

- This is First bail application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, for grant of regular bail, as he has been arrested in connection with Crime No.527/2025 registered at Police Station – Balod, District – Balod (C.G.) for the offence punishable under Section 326(g)/436, 3(5)/34, 111, 61(2) of Bhartiya Nyay Sanhita, 2023./ Indian Penal Code.
- The prosecution case, in brief is that on 02.12.2025, the complainant Devendra Sahu lodged a report stating that he is the



District President of Hamraj Party and also works as a journalist. It is stated that he owns a Brezza car bearing registration number CG-24-W- 7166, which he usually parks in a garage constructed adjacent to the boundary wall of his residential house. On 01.12.2025, at about 06:30 PM, as per his daily routine, he parked the said vehicle in the garage and thereafter went inside his house. It is further alleged that upon entering the house, the complainant's wife informed him that at around 06:00 PM, two unknown boys had come to the house and inquired about his whereabouts. Subsequently, at approximately 06:45 PM, the said two unknown persons again arrived in front of the complainant's house and called out to him. When the complainant came outside, the two unknown boys disclosed that they were residents of the Dundi area and that their third companion was standing at a distance of about fifty feet with a motorcycle. The unknown boys allegedly addressed the complainant as the President of Hamraj Party and as a journalist. It is further stated that upon being questioned, the complainant informed them that he intended to raise his voice against the illegal sale of liquor in his area by getting the matter published in newspapers and by taking up the issue within the organization. The complainant allegedly advised them to submit a written complaint. Thereafter, the two unknown boys left the premises. At about 09:00 PM, while the complainant was watching television with his family, his wife Gayatri heard some rustling noise outside the house. On coming out, she noticed that the complainant's car parked in the garage was engulfed in flames. The complainant immediately informed acquaintances and managed to extinguish the fire. On the basis of the report alleging that two unknown persons had set the car on fire, a crime was registered and investigation commenced, during which the suspected accused were



taken into custody and their memorandum statements recorded.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that there is no direct, cogent, or reliable evidence connecting the applicant with the alleged incident and the prosecution case rests merely on suspicion and conjecture. It is further submitted that no incriminating article, weapon, or material connected with the alleged offence has been recovered from the possession or at the instance of the applicant. He further submits that the alleged incident took place on 01.12.2025, whereas the applicant was already in judicial custody in connection with Crime No. 404/2025 on the said date and was subsequently enlarged on bail by this Court vide order dated 16.12.2025 passed in MCRC No. 10125 of 2025. Thus, the presence and involvement of the applicant in the present crime is *prima facie* improbable. It is also submitted that a similarly situated co-accused has already been granted bail by this Court vide order dated 08.01.2026 passed in MCRC No.132 of 2026. The applicant has been in custody since 07.12.2025 in the present case and the trial is likely to take considerable time for its conclusion. On the ground of parity, the applicant claims entitlement to bail.
4. Per contra, learned counsel for the State opposes the bail application and submits that the charge-sheet has been filed. It is further submitted that there are 30 criminal antecedents registered against the applicant, though he has been acquitted in 26 cases, which indicates that the applicant is a habitual offender, therefore he is not entitled to the benefit of bail.
5. I have heard learned counsel for the parties and perused all of the



documents taken on record.

6. Considering the overall facts and circumstances of the case, particularly the absence of direct evidence, non-recovery of any incriminating material from the applicant, the fact that the applicant was in judicial custody on the date of the alleged incident, grant of bail to a similarly situated co-accused by this Court vide order dated 08.01.2026 passed in MCRC No.132 of 2026, and the period of custody already undergone by the applicant, without commenting on the merits of the case, this Court is of the considered view that the applicant has made out a case for grant of bail.
7. Let applicant, **Ashwani Kumar Dadsena**, involved in Crime No.527/2025 registered at Police Station – Balod, District – Balod (C.G.) for the offence punishable under Section 326(g)/436, 3(5)/34, 111, 61(2) of Bhartiya Nyay Sanhita, 2023./ Indian Penal Code, be released on bail on his furnishing **a personal bond** with **two sureties** 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.
 - (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



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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.

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

Sd/-
(Ramesh Sinha)
Chief Justice

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