



2026:CGHC:16713

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1388 of 2026**

Shivam Chouhan S/o Prakash Chouhan Aged About 20 Years R/o Lalkhadan, Police Station Torwa, Tahsil And District Bilaspur, Chhattisgarh

--- Applicant**versus**

State Of Chhattisgarh Through Station House Officer Police Station Torwa, District : Bilaspur, Chhattisgarh

--- Non-applicant**Along with****MCRC No. 1404 of 2026**

1 - Shailesh Singh Chouhan S/o Surendra Singh Chouhan Aged About 21 Years R/o Lalkhadan, Police Station Torwa, Tahsil And District Bilaspur, Chhattisgarh.

2 - Kushal Pasi S/o Mukesh Pasi Aged About 19 Years R/o Lalkhadan, Police Station Torwa, Tahsil And District Bilaspur, Chhattisgarh.

---Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Torwa, District – Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant	: Mr. Rahul Goswami, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****10.04.2026**

- The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 168/2024, registered at Police Station – Torwa, District – Bilaspur (C.G.) for the offence punishable under Sections 394 and 34 of the

IPC.

2. The case of the prosecution, is that on 24.04.2024 at on 05:00 pm. The applicant had reached Deorikhurd F.C.I. from Vardhman Rice Mil Mungeli in truck number CG 04 LR 9013 loaded with sacks of rice and due of space for the vehicle., he had parked his vehicle on the roadside near Deorikhurd turn and was waiting for his number. On 25.04.2024 as the goods were not picked up F.C.I. he was sleeping in the truck. At about 3:00 in the night, some unknown person started banging on the truck's door and he woke up. Two persons broke the door of the truck with a brick and entered inside. Showing him a knife. They broke his hand and beat him with a small knife they had with them. After threatening him, they looted the applicant's Oppo company mobile with jio company Sim number 8349211902 and a total case amount of Rs. 11,000/- and fled away in a Scooty Activa. Hence, this application.
3. It is argued by the learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case and there are total of 5 cases of applicants namely Shailesh Singh Chouhan and Kushal Pasi out of which 4 have been disposed of and the applicant namely Shivam Chouhan is having 4 criminal antecedents out of which 2 have been disposed of. The applicants are in jail since 22.01.2026 and trial is likely to take quite long time for its conclusion, therefore, he prays for grant of bail.
4. On the other hand, the learned State counsel opposes the bail application and submits that there are total of 5 cases of applicants

namely Shailesh Singh Chouhan and Kushal Pasi and the applicant namely Shivam Chouhan is having 4 criminal antecedents, therefore, the applicants are not liable to be granted bail by this Court.

5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicants and the fact that there are total of 5 cases of applicants namely Shailesh Singh Chouhan and Kushal Pasi out of which 4 have been disposed of and the applicant namely Shivam Chouhan is having 4 criminal antecedents out of which 2 have been disposed of, the applicants are in jail since 22.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application on the ground of parity.
7. Let applicants – **Shivam Chouhan, Shailesh Singh Chouhan** and **Kushal Pasi**, involved in Crime No. 168/2024, registered at Police Station – Torwa, District – Bilaspur (C.G.) for the offence punishable under Sections 394 and 34 of the IPC, be released on bail on their furnishing **a personal bond** with **two sureties each** 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 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

Rajshekhar