



2026:CGHC:10306



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2032 of 2026**

1 - Suraj Khunte S/o Haricharan Khunte Aged About 20 Years R/o Village- Tarda, Tahsil- Barpali, District- Korba (C.G.)

2 - Akash Jwala S/o Chattram Jwala Aged About 19 Years R/o Village- Tarda, Tahsil- Barpali, District- Korba (C.G.)

... Applicants**versus**

State of Chhattisgarh Through- Police Station Urga, District- Korba (C.G.)

... Non-Applicant

For Applicants : Mr. Vivek Mishra, Advocate

For Non-Applicant/State : Ms. Sameeksha Gupta, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****27.02.2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicants who have been arrested in connection with Crime No. 524/2025 registered at Police Station Urga, District Korba, (C.G.) for the offence punishable under Sections 296, 351(3), 115(2), 3(5) and 310(2) of Bharatiya Nyaya Sanhita, 2023. (for short 'BNS').
2. Case of the prosecution, in nutshell, is that on 22.11.2025 the complainant Atal Mirja lodged a written report stating that his



brother, Pritesh Mirja, was abused, threatened with death and assaulted by 5–6 unknown persons near Bharatmala/Akharapali Toll Plaza, due to which he sustained injuries and was admitted to the hospital. On the basis of the said report, an offence under Sections 296, 351(3), 115(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 was registered and taken up for investigation. During investigation, the injured stated that the accused persons wrongfully restrained him at about 6:00 PM, assaulted him, snatched Rs.2,000/- in cash and his VIVO V-50 mobile phone, and left him at the spot presuming him to be dead, whereupon Section 310(2) of the BNS was also added. On the basis of secret information, the accused persons were apprehended and, in their memorandum statements, they disclosed their involvement in the assault and robbery, including transfer and withdrawal of the looted amount and possession of the stolen mobile phone. Certain amounts of cash and a belt were seized during investigation. Hence, this bail application.

3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. It is contended that the FIR was initially lodged against unknown persons and the present applicants have been arrested merely on the basis of suspicion without any cogent evidence connecting them to the alleged offence. It is further submitted that only a sum of Rs. 100/- - 100/- was seized from the possession of the applicants pursuant to their memorandum statement, which by no stretch of imagination can be said to be the property of dacoity, particularly



when, as per the prosecution case itself, an amount of Rs. 2,000/- was transferred through mobile by the injured. It is also contended that the Test Identification Parade conducted by the Naib Tehsildar is vitiated due to non-compliance with mandatory procedural safeguards. Moreover, as per the MLC report, the injuries sustained by the victim are simple in nature. He further submits that similarly situated co-accused person, namely, Akash Lahre has already been granted bail by this Court vide order dated 24.02.2026 in MCRC No. 1865/2026. He also submits that the applicants have no criminal antecedents, and they are in jail since 26.11.2025, the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicants on the ground of parity.

4. On the other hand, learned counsel for the State opposes the bail application of the applicants and submits that the charge-sheet has been filed before the competent Court, but could not dispute the fact that co-accused has already been granted bail by this Court and the case of the present applicants is identical to that of the co-accused.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, the fact that though there are allegations that the applicants along with other co-accused persons wrongfully restrained the injured, assaulted him, robbed him of cash and mobile phone, but the injuries are not shown at this stage to be



life-threatening in nature. Further the fact that the other co-accused, namely, Akash Lahre has already been granted bail by this Court vide order dated 24.02.2026 in MCRC No. 1865/2026, and the case of present applicants is identical to that of the co-accused person, further the applicant No.2 has only 01 criminal antecedent, the charge-sheet has been filed in the present case, they are in jail since 26.11.2025 and trial is likely to take sometime for its conclusion, and hence, this Court is of the view that the applicants are entitled to be released on bail in this case on the ground of parity.

7. Accordingly, the bail application of the applicants is **allowed**. Let the Applicants – **Suraj Khunte** and **Akash Jwala**, involved in Crime No. 524/2025 registered at Police Station Urga, District Korba, (C.G.) for the offence punishable under Sections 296, 351(3), 115(2), 3(5) and 310(2) of Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without



sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the Court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

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

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan