



2026:CGHC:15418

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2647 of 2026

Nilesh Dewangan S/o Late Dilip Dewangan Aged About 36 Years R/o
Village Changorabhata, Raipur District Raipur (C.G.) --- **Applicant**

versus

State of Chhattisgarh *through* Station House Officer Police Station
Khairagarh, District Khairagarh- Chhuikhadan Gandai (C.G.) ---
Respondent

For the applicant	:	Mr. C.R. Sahu, Advocate
For the State	:	Mr. Akhilesh Kumar,

MCRC No. 2671 of 2026

Mithesh Harinkhede S/o Dhalsingh Harinkhede, Aged About 35 Years R/o
Changorabhata, Raipur District Raipur Chhattisgarh --- **Applicant**

Versus

State of Chhattisgarh *through* Station House Officer, Police Station
Khairagarh District Khairagarh -Chhuikhadan- Gandai (C.G.)
--- **Respondent**

For the applicant : Mr. Rustam Sahu, Advocate

For the State : Mr. Akhilesh Kumar,

(Hon'ble Shri Justice Sanjay Kumar Jaiswal)

Order on Board

02.04.2026

1. These are two first bail applications filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant in Crime No.466/2025 registered at Police Station Khairagarh, Distt. Khairagarh-Chhuikhadan (CG) for the offences under Sections 296, 115(2), 351(3), 3(5), 103(1) of BNS 2023.

2. Since both these applications are relating to the same crime number, they are disposed off by this common order.

3. The prosecution story, in brief, is that on 07.10.2025 the complainant/deceased Mohanlal has lodged the report stating that in their village the idol of goddess Saraswati has been installed in a Pandal and he alongwith one Ramsukh Banjare were sleeping in the night as Pandal Staff. At that time, 3 unknown persons opened the Amply box with the intention to snatch away the sound box and wire. On hearing the noise, the complainant and his colleague got up and resisted the said act, on which, the accused persons abused them in filthy language and assaulted them with iron rod, due to which, they sustained injuries. On raising alarm, the locals of neighborhood came there and seeing them, the accused ran away.

4. Learned counsel for the applicant submits that co-accused Shailesh Katre has been granted bail by this Court by order dated 19.02.2026 passed in M.Cr.C.No.1360 of 2026 and the case of the present applicants also rests on similar footing. He submits the incident is said to have taken place on 07.10.2025 and the complainant had died much after on 25.10.2025 i.e., after 18 days of the incident and the cause death of complainant cannot be attributed to the said assault. He further submits that even the FIR does not mention the names of applicants; further no seizure was made from applicant Nilesh whereas an iron rod was shown to be seized from accused Mithesh. He next submits that the Test

Identification Parade was also not conducted. Further it is not clear that the treatment of deceased was done in hospital from 07th October to 20th October. No definite opinion was given by the doctor who conducted the postmortem to show that the death of deceased was homicidal in nature. FSL report of deceased has not yet been received. He submits that applicants are in jail since 26.10.2025; charge sheet has been filed and there are total 19 prosecution witnesses in this case and there is no immediate possibility of disposal of case, therefore, the applicants may be enlarged on bail.

5. Per contra, learned State Counsel opposes the bail applications and submits that the FIR was filed by the deceased himself and his 161 CrPC statement speaks of the names of applicants. He further submits that since the postmortem report reveals that the deceased sustained head injury, it would show that the death was homicidal in nature.

6. Having considered the submissions made by learned counsel for the parties and the over-all facts situation of the case especially the fact that the FIR does not mention the names of applicants; no TIP was conducted; co-accused Shailesh Katre has been granted bail by this Court and further looking to custody period of the present applicants, I am inclined to release them on regular bail.

7. Accordingly, these bail applications are allowed and the applicants Nilesh Dewangan and Mithesh Harinkhede are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed in that behalf.

Cc as per rules.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

Rao