



2026:CGHC:17979



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NAFR

## HIGH COURT OF CHHATTISGARH AT BILASPUR

**MCRC No. 3612 of 2026**

1 - Amit Tigga S/o Late Tarsisuyas Tigga Aged About 39 Years R/o Village Dhodibahar, P.O. And P.S. Kansabel, Distt. Jashpur, Chhattisgarh.

... Applicant

**Versus**

1 - State Of Chhattisgarh Through Officer In Charge, P.S. Surajpur, Distt. Surajpur, C.G.

... Non-Applicant

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For Applicant : Mr. Ashutosh Mishra, Advocate

For Non-Applicant : Mr. Hariom Rai, Panel Lawyer

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**SB: Hon'ble Shri Parth Prateem Sahu, Judge**

### **ORDER ON BOARD**

**21/04/2026**

1. This is the second bail application. The first bail application was dismissed on merits vide order dated 28.08.2025 in M.Cr.C. No. 6780/2025.
2. This second bail application is filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 171/2025 registered at Police Station – Surajpur, District – Surajpur, Chhattisgarh for the offences punishable under Sections 103, 190 and 191 (2) of the Bharatiya Nyaya Sanhita, 2023.



3. Case of prosecution is that, the deceased was admitted to the Durg De-Addiction Centre/Rehabilitation Centre, Surajpur, Chhattisgarh and was under going treatment. He was admitted only on 26.03.2025, however, on 29.03.2025 deceased Vijay Kumar wanted to make an attempt to escape the Rehabilitation Centre, upon which the co-accused Birendra Tenjing, an employee of the Rehabilitation Centre have tried to stop him and have also assaulted him by means of plastic pipe lying in the Rehabilitation Centre. When the deceased became aggressive, other persons including the applicant who was admitted in the Rehabilitation Centre for his treatment along have assaulted him by means of hands, fists and plastic fiber pipe. Deceased suffered grievous injuries and was taken to the hospital where during the course of treatment he died. Incident was reported to the concerned Police Station, based upon which FIR was registered and applicant was arrested on 07.07.2025.
4. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that applicant was also a patient, no incriminating material is seized from the applicant and he has been impleaded only on the basis of CCTV Footage. He further submits that applicant has been made accused only on the basis of the memorandum statement of the accused Virendra Agariya. He contended that the witness to the memorandum statement i.e. Durga Prasad (PW-6) and Thakur Prasad (PW-7) have been examined and they have not supported the case of prosecution.
5. He further contended that applicant is in jail since 07.04.2025, only 07 witnesses out of 17 witnesses have been examined before the learned Trial Court. Trial may take sometime, therefore, the applicant may be enlarged on bail. He contended that the similarly situated co-accused persons i.e. Manoj Kumar Karsh and Santosh Goswami had already



been enlarged on bail in MCRC No. 1990 of 2026 and MCRC No. 2642/2026 respectively.

6. On the other hand, learned State counsel opposes the submission made by the learned counsel for the applicant and further submits that there is specific allegation against the applicant that he has also participated in the commission of the aforesaid crime which was also recorded in the CCTV Footage of the Rehabilitation Centre and the copy of the footage is forming part of charge-sheet and the witness Ram Lal Yadav, Incharge Superintendent of Rehabilitation Centre has supported the case of prosecution. However, he do not dispute the submission of counsel for the applicant that the similarly situated co-accused persons have been enlarged on bail.
7. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.
8. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties, material available in the charge-sheet, period of pre-trial detention suffered by the applicant, documents enclosed along with the bail application, only 07 witness out of total 17 witness have been examined till date, trial is likely to take sometime, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.
9. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

*(a) 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.*

*(b) 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.*

*(c) In case, the applicant misuses the liberty of bail during trial and in order to secure her 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.*

*(d) 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.*

10. Office is directed to send a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith. Certified copy as per rules.

**Sd/-  
(Parth Prateem Sahu)  
Judge**