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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3240 of 2026

Mohd. Aasif S/o Mohd. Rafik Aged About 36 Years R/o Shashtri Nagar, Fokatpara, New Ganj Mandi Road, Devendra Nagar, P.S. Devendra Nagar, Tahsil and Distt. Raipur, Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through Station House Officer, P.S. Devendra Nagar, Raipur, Distt. Raipur, Chhattisgarh.

... Non-Applicant

For Applicant : Mr. C.R. Sahu, Advocate.

For Non-Applicant/State : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

10.04.2026

1. The applicant has preferred this First Bail Application 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. 10/2026, registered at Police Station – Devendra Nagar, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 106, 105 of Bharatiya Nyay Sanhita, 2023 (in short 'B.N.S.') and Sections 21(25), 177, 3/181, 146/196 of Motor Vehicle Act.
2. As per the prosecution story, in brief, the concerned Police Station Devendra Nagar, Raipur, received secret information from an informant that, at the time of the incident, the applicant was driving his offending vehicle (auto-rickshaw) in a rash and negligent manner and hit the injured



person. As a result, the injured person sustained injuries to his hands, legs, and other parts of the body. Consequently, the police registered an offence against the applicant under Sections 106 and 105 of the B.N.S., and Sections 21(25), 177, 3/181, and 146/196 of the Motor Vehicles Act. The applicant was arrested on 19.01.2026.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant is an auto driver and the owner of the vehicle in question. It is contended that while driving, a vehicle coming from the opposite direction caused glare due to its headlights, as a result of which the applicant could not see properly and inadvertently knocked down the victim, who later succumbed to the injuries. It is also submitted that the applicant has no previous criminal antecedents. Further, the charge-sheet has already been filed, the applicant has been in judicial custody since 19.01.2026, and the trial is likely to take a considerable amount of time to conclude. Therefore, it is prayed that the applicant be enlarged on bail.
4. On the other hand, learned State counsel opposed the bail application and submitted that the charge-sheet has already been filed in the present case.
5. I have heard learned counsel for the parties and perused the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the applicant is an auto driver and the owner of the vehicle in question, while driving, a vehicle coming from the opposite direction caused glare due to its headlights, as a result of which the applicant could not see properly and inadvertently knocked down the victim, who later



succumbed to the injuries, further the applicant has no previous criminal antecedents, the charge-sheet has already been filed and the applicant has been in judicial custody since 19.01.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.

7. Accordingly, the bail application is **allowed**. Let the applicant - **Mohd. Aasif**, involved in Crime No. 10/2026, registered at Police Station – Devendra Nagar, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 106, 105 of Bharatiya Nyay Sanhita, 2023 (in short 'B.N.S.') and Sections 21(25), 177, 3/181, 146/196 of Motor Vehicle Act, 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 the applicant fails to appear before the court on the date



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fixed in such proclamation, then, the trial court shall initiate proceedings against his, 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 his 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