



2026:CGHC:23052

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 3447 of 2026**

1 - Ajay Khairwar S/o Netram Khairwar, Aged About 21 Years R/o Village Karibhanwar, Police Station Jaijaipur, District Sakti (C.G.)

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur District Sakti (C.G.)

... **Respondent(s)**

For Applicant(s) : Mr. Ishwar Jaiswas, Advocate

For Respondent(s) : Ms. Vaishali Mahilong, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board**14.05.2026**

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. 69/2026, registered at Police Station – Jaijaipur, District – Sakti (C.G.) for the offence punishable under Sections 191(3), 296, 115(2), 351(3), 121(2), 132, 221, 310(2) & 324 (3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) & Section 3 of the Prevention of Damage to Public Property Act, 1984.
2. The prosecution case, in brief, is that on 03.03.2026, the



complainant lodged a written complaint alleging that on 02.03.2026, during the Holi festival, while he was on patrolling duty along with other constables in Government Vehicle bearing Registration No. CG-03-A-0218, they reached Village Karibhanwar. At about 11:30 PM, it was allegedly found that 7–8 persons, armed with lathis and dandas and under the influence of alcohol, were standing beside the road. When the police personnel asked them not to create nuisance, the said persons allegedly damaged the government vehicle, abused the police personnel, and looted an amount of Rs.4,000/- from them, pursuant to which the report came to be lodged. It is further the case of the prosecution that certain amount was recovered from the accused persons and, accordingly, the FIR was registered.

3. It is argued by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case and there is no criminal antecedents registered against the present applicant. It is further submitted that the injuries caused to the injured are simple in nature. The applicant is in jail since 18.03.2026 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 is no criminal antecedents registered against the present applicant, and the charge-sheet has been filed in this case. It is further submitted that seizure of Rs.220/- has been made from the present applicant on



18.03.2026, therefore, he is not entitled for grant of bail.

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 applicant and the fact that there is no any criminal antecedents registered against the present applicant, charge-sheet has been filed against the applicant, the injuries caused to the injured are simple in nature, the applicant is languishing in jail since 18.03.2026 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Let applicant, **Ajay Khairwar**, involved in Crime No. 69/2026, registered at Police Station – JaiJaipur, District – Sakti (C.G.) for the offence punishable under Sections 191(3), 296, 115(2), 351(3), 121(2), 132, 221, 310(2) & 324 (3) of the Bharatiya Nyaya Sanhita, 2023 (BNS) & Section 3 of the Prevention of damage to Public Property Act, 1984, 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 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