



2026:CGHC:21166



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3977 of 2026**

Deepak Tiwari S/o Late Prahalad Tiwari Aged About 30 Years R/o Janta Quarter House No. 1266, Tatibandh, And Shamshan Ghat, Police Station Amanaka Raipur, District- Raipur (C.G.)

... Applicant(s)**versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - Saraswati Nagar, District- Raipur (C.G.)

... Non-applicant(s)

For Applicant(s) : Mr. Shivendu Pandya, Advocate.

For Non-applicant(s) : Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****06/05/2026**

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 applicant who has been arrested in connection with Crime No. 211/2025 registered at Police Station Sarswati Nagar, District- Raipur (C.G.) for the offence punishable under Sections 309(4), 311, 312, 3(5) of B.N.S. and Section 25 and 27 of Arms Act.
2. Case of the prosecution, in brief, is that on the date of the incident,



i.e., 01/09/2025 at about 07:00 PM, the complainant, namely Ujjwal Nishad, lodged a report against unknown persons alleging that the accused persons committed robbery of a Discover motorcycle bearing registration No. CG/04/HJ/6319 and cash amounting to Rs. 4,500/- by showing a gun. The accused persons also threatened the complainant with the gun and thereafter fled from the spot. The complainant lodged the report against three unknown persons at Police Station Saraswati Nagar, District Raipur (C.G.), upon which the police registered an offence under Sections 309(4), 311, 312, 3(5) of the B.N.S. and Sections 25 and 27 of the Arms Act. On the basis of the said report, the police arrested the present applicant along with other accused persons. Pursuant to the memorandum and seizure made by the police from the present applicant and other co-accused persons, aforesaid offences were registered against them. After completion of the investigation, the police filed the charge-sheet before the competent Court.

3. Learned counsel for the applicant submits that the applicant is innocent and has not committed any offence as alleged by the prosecution and has been falsely implicated in the present case on the basis of a fabricated and concocted story. It is further submitted that the FIR was initially registered against unknown persons and the present applicant has been implicated solely on the basis of the memorandum of co-accused persons, without there being any independent or cogent evidence against him. It is contended that the alleged looted property, i.e., Discover motorcycle bearing registration No. CG/04/HJ/6319 and cash of Rs. 4,500/-, has



neither been seized from the conscious and exclusive possession of the applicant nor had the applicant any knowledge thereof. It is further submitted that the police, without conducting proper investigation and merely on suspicion, arrested the applicant and even the prosecution has failed to establish the ownership or connection of the seized articles with the alleged offence. In absence of any reliable evidence or material linking the applicant with the crime, the ingredients of the alleged offences are not made out against him. It is also submitted that the FIR itself does not support the prosecution case against the present applicant. Learned counsel further submits that the applicant is in custody since 29/10/2025, and his continued detention is causing grave hardship to his family. It is also argued that the co-accused, namely Harmeet Singh @ Meeta, who is similarly placed, has already been granted regular bail by the trial Court and therefore, the present applicant is also entitled to bail on the ground of parity. It is further submitted that the charge-sheet has already been filed before the competent Court and the trial is likely to take considerable time for its conclusion. It is also brought to the notice of this Court that the applicant has 08 criminal antecedents, out of which 04 cases are pending and the remaining 04 cases have already been disposed of, as duly explained in paragraph 4(A) of the present bail application. It is, however, submitted that the applicant has no role in the present alleged offence and there is no cogent evidence against him. Thus, in view of the aforesaid facts and circumstances, it is prayed that the applicant be released on regular bail.



4. On the other hand, learned counsel for the State has vehemently opposed the prayer for grant of bail and submits that the present applicant is involved in a serious offence of robbery committed at gunpoint, wherein a motorcycle and cash were looted and the complainant was threatened with a firearm. It is further submitted that during the course of investigation, the involvement of the present applicant has surfaced on the basis of memorandum statements of co-accused persons and other material collected by the police, and pursuant thereto, incriminating articles have been seized. It is contended that the allegations against the applicant are grave in nature and attract stringent provisions of law, including the offences under the B.N.S. and the Arms Act. She further submits that the applicant has as many as 08 criminal antecedents, out of which 04 cases are still pending against him, which clearly reflects his criminal propensity and habitual nature, and therefore, he does not deserve the benefit of bail. Considering the seriousness of allegations, criminal antecedents of the applicant and overall facts and circumstances of the case, it is prayed that the present bail application be rejected.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, nature of allegations, the fact that the FIR was lodged against unknown persons and the present applicant has been implicated mainly on the basis of memorandum of co-accused, absence of seizure of alleged looted property from the conscious and exclusive



possession of the applicant, the fact that similarly situated co-accused has already been granted bail by the learned trial Court, further taking into consideration that the applicant is in judicial custody since 29/10/2025, charge-sheet has already been filed before the competent Court and the trial is likely to take considerable time for its conclusion and also taking note of the criminal antecedents of the applicant i.e. 08 cases out of which 04 cases are pending and remaining 04 have already been disposed of as explained in paragraph 4(A) of the bail application thus, without commenting on the merits of the case, this Court is inclined to allow the present bail application

7. Accordingly, the application is **allowed**.
8. Let the Applicant-**Deepak Tiwari**, involved in Crime No. 211/2025 registered at Police Station Sarswati Nagar, District- Raipur (C.G.) for the offence punishable under Sections 309(4), 311, 312, 3(5) of B.N.S. and Section 25 and 27 of Arms Act, be released on bail on his furnishing a **personal bond** with **two heavy 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.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE