



2026:CGHC:9244



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 9365 of 2025

1 - Ashok Kumar Tiwari S/o Late Jagannath Tiwari Aged About 65 Years
R/o Jarhagarh Ambikapur, District : Surguja (Ambikapur), Chhattisgarh.

2 - Om Tiwari S/o Ashok Kumar Tiwari Aged About 19 Years R/o
Jarhagarh Ambikapur, District : Surguja (Ambikapur), Chhattisgarh.

--- **Applicant**

versus

State of Chhattisgarh Through Station House Officer - Ambikapur, District
: Surguja (Ambikapur), Chhattisgarh.

--- **Non-Applicant**

Along with

MCRC No. 9912 of 2025

Sudhanshu Rai @ Chinu Pandit S/o Navneet Rai Aged About 19 Years
R/o Shivdhari Colony, Ambikapur Police Station- Ambikapur, District-
Surguja (C.G.)

--- **Applicant**

Versus

State Of Chhattisgarh Through Station House Officer, Police Station-
Ambikapur, District- Surguja (C.G.)

--- **Non-Applicant**

For Applicants	: Mr. Ashutosh Shukla, Advocate Mr. Amarnath Pandey, Advocate
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For Non-Applicant/State	: Mr. Shubham Bajpai, Panel Lawyer.
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**Hon'ble Mr. Ramesh Sinha, Chief Justice****Order on Board****23.02.2026**

1. Since the above-mentioned two first bail applications arise out of same incident, same crime number and registered at same police station, they are clubbed and heard together and are being disposed of by this common order.
2. The applicants have preferred these First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No. 781/2025, registered at Police Station : Ambikapur, District- Surguja, (C.G.) for the offence punishable under Sections 115(2), 191(1), 296, 331(6), and 351(3) of the Bharatiya Nyaya Sanhita, 2023.
3. The facts of the case, in brief, are that the complainant, Saurabh Mishra, aged about 29 years, son of Rakesh Mishra and resident of Bauripara, appeared at the Police Station and submitted a written complaint stating that on 20.10.2025 in the evening, accused Ansh Pandit had a quarrel with his cousin Prakhar Mishra near Hotel Avalon. Owing to the said dispute, on 21.10.2025 at about 01:30 AM, Ansh Pandit, along with Golu alias Ganesh, present applicants and other associates, came near the complainant's house, abused loudly and threatened that they would kill Saurabh Mishra and Prakhar Mishra. It is alleged that they damaged the vehicles parked outside the house, namely Innova, Hyundai i20 and Honda Amaze, by breaking their window glasses. Thereafter, Ansh Pandit's father,



Baba Pandit, and his wife also reached the spot, and all the accused persons forcibly entered the house by pushing the main door, abused the complainant and assaulted him and his cousin with hands, fists, sticks and other weapons. It is specifically alleged that Ansh Pandit assaulted the complainant on the head with a weapon, causing bleeding injuries, while the other accused also participated in the assault. On hearing the commotion, family members and passersby, namely Himanshu Singh and Manish Singh, intervened to rescue them, during which Himanshu Singh was also assaulted and sustained injuries. On the basis of the said report, an offence has been registered against the accused persons and the matter has been taken up for investigation.

4. Learned counsel for the applicants submits that all the applicants are innocent and have been falsely implicated in the present case and have not committed any offence as alleged. It is submitted that applicants Ashok Kumar and Om Tiwari were not the aggressors, rather, upon receiving information that applicant, Om Tiwari had been assaulted by the complainant and his associates, applicant Ashok Kumar Tiwari, along with his wife reached the spot only to protect his son, but they were also assaulted by the complainant party. It is further submitted that when the applicants, along with co-accused Shobha Tiwari, approached the concerned Police Station to lodge their complaint, instead of registering the same, the police arrested them on the complaint of the complainant, thereafter, upon being granted bail, Shobha Tiwari submitted a complaint dated 28.10.2025, pursuant to which an FIR dated



05.11.2025 was registered against Saurabh Mishra and Prakhra @ Tushar Mishra (Annexure A-4). They contends that the present complaint is false and fabricated and has been lodged to implicate the entire family who had merely intervened in the dispute. With respect to applicant Sudhanshu Rai, it is submitted that his name does not find mention in the FIR, which names five specific co-accused persons in relation to the incidents dated 20.10.2025 and 21.10.2025, and there is no specific allegation or assertion of his presence at the spot. He is a 19-year-old student and his continued incarceration would seriously prejudice his mental and social well-being. It is also submitted that co-accused Shobha Tiwari has already been granted bail by the learned trial Court. They also submit that the applicants, namely Ashok Kumar Tiwari and Om Tiwari are in jail since 21.10.2025 and applicant Sudhanshu Rai is in jail since 26.10.2025. They further submits that the applicants have some criminal antecedents which are explained in the covering memo, and the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, they pray for grant of bail to the applicants.

5. On the other hand, learned State Counsel appearing for the non-applicant/State opposes the bail application and submits that the charge-sheet has been filed in the present case. He further submits that the present applicants are specifically named in the FIR and have actively participated in the incident, wherein they, along with other co-accused persons, formed an unlawful assembly, criminally trespassed into the house of the complainant, caused damage to



the vehicles parked outside, and assaulted the complainant and his cousin with sticks and other weapons, resulting in injuries, including a head injury to the complainant and injuries to intervenor Himanshu Singh. He further submits that the applicants have some criminal antecedents, which shows that they are habitual offender. It is submitted that considering the specific allegations, the nature and gravity of the offence, and the role attributed to the present applicants in the commission of the crime, they are not entitled to be released on bail.

6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case that though the applicants along with co-accused assaulted the injured persons, who have sustained injuries, which is non vital part of the body and as per the MLC report the injured has received injuries which are simple in nature not in a grievous injuries, further the fact that the applicants have some previous criminal antecedents, which are explained in the covering memo, the charge-sheet has been filed before the competent Court, the applicants, namely Ashok Kumar Tiwari and Om Tiwari are in jail since 21.10.2025 and applicant Sudhanshu Rai is in jail since 26.10.2025, without expressing any opinion on the merits of the case, this Court is of the considered view that the present applicants are entitled to be released on regular bail in this case.
8. Accordingly, the bail applications of the applicants are **allowed**. Let



the Applicants – **Ashok Kumar Tiwari, Om Tiwari** and **Sudhanshu Rai @ Chinu Pandit**, involved in Crime No. 781/2025, registered at Police Station : Ambikapur, District-Surguja, (C.G.) for the offence punishable under Sections 115(2), 191(1), 296, 331(6), and 351(3) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **personal bond** with **two sureties each** in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on



the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

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

Sd/-

**(Ramesh Sinha)
Chief Justice**

Rahul Dewangan