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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 248 of 2026**

1 - Dipak Thakur S/o Kewal Thakur Aged About 29 Years R/o Sikola Bhatha Near Bajrang Mandir Tehsil And District- Durg (C.G.)

2 - Akash Majumdar @ Sona S/o Sanat Majumdar Aged About 38 Years R/o Akash Nagar Sikola Bhatha Ward No. 14 Durg Tehsil And District- Durg (C.G.) (Details Of Applicant Properly Not Mentioned In The Impugned Order Sheet Which Is Behing Mentioned As Per The Charge Sheet)

... Applicants**versus**

1 - State Of Chhattisgarh Through - Sho, Police Station - Pulgaon, (Out Post Jevra Sirsa, District- Durg (C.G.) (Details Of Respondent Not Mentioned In The Cause Title Of The Impugned Order Sheet)

... Respondent(s)

For Applicants	:	Mr. Avinash Chand Sahu, Advocate appears along with Mr. Aman Tamrakar, Advocate
For Respondent-State	:	Mrs. Diksha Gauraha, Deputy Government Advocate

Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****19.01.2026**

- Applicants have filed this First Bail Application under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail as they have been arrested in connection with Crime No. 104/2025 registered at Police Station – Pulgaon, District Durg (C.G.) for offence punishable under Section 366,376(2)(n) of IPC and Section 6 & 8 of POCSO and Section 103(1), 61(2)(A) and 3(5) of BNS 2023 and Section 25 and 27 of Arms Act.



2. Case of prosecution in brief is that, Avtar Markam (deceased) was called by Akash Mazumdar through mobile call at Inder Dhaba. When the deceased along with Vikas Singh reached Inder Dhaba, Mukesh Chera, Mashan along with others were standing there. They started talking with the deceased, however, suddenly talk turned into quarrel and as per allegations, Mukesh Chera, Mashan and Horilal Patel have caused stab injuries upon the deceased, due to which, he suffered grievous injuries over his person. After causing injuries, the assailants fled away in Car i.e. XUV 700 bearing registration no. CG 07 CU 1333 allegedly driven by Mukeshwar Sahu. During treatment, deceased Avtar Markam died. Incident was reported to the concerned Police Station, upon which, FIR was registered and applicants were arrested on 02.04.2025.
3. Learned counsel for applicants submits that applicants have been falsely implicated in the crime, they have not committed offence as alleged. He further submits that applicants have been made accused on the basis of statement of one Vikas Singh Parmar who is mentioned as eye-witness in the charge-sheet. During trial the said eye-witness was examined and he has not supported the case of prosecution i.e. he turned hostile. He further submits that except the said eye-witness there is no other connecting material against applicant in this case. He also pointed out that one Surendra Singh the seizure memorandum witness has been examined and also he has not supported the case of prosecution. Applicant is in jail since 02.04.2025, hence he may be enlarged on bail.



4. On the other hand, learned counsel for State opposes the submission made by learned counsel for applicants however, on putting query she did not dispute the fact that there is one eye witness in this case i.e. Vikas Singh Parmar and she further submits that the evidence of the prosecution witness enclosed along with this bail application is subject matter of appreciation by learned trial Court.
5. I have heard learned counsel for the parties and perused the documents enclosed along with the bail application.
6. On due consideration of submission made by learned counsel for respective parties and keeping in mind the facts and circumstances of the case which is based on the statement of sole eye-witness i.e. Vikas Singh Parmar, without commenting on the merits of the case, I am inclined to allow this application.
7. Accordingly, bail application is **allowed**. It is directed that the applicants shall be released on regular bail, upon furnishing a bail bond in the sum of ₹ 25,000/- each with one surety in the like sum to the satisfaction of the Court on the conditions that-

(a) The applicants 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 applicants shall remain present before the trial court on each date fixed, either personally or through him counsel. In case of him absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.



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(c) In case, the applicants 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.

(d) 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 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.

Certified copy as per rules.

sd/-

(Parth Prateem Sahu)
JUDGE

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