



2026:CGHC:3766-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2686 of 2025

1 - Mohan Gavde S/o Manker Gavde Aged About 34 Years R/o Village- Irekbuta,
Police Station- Pakhanjur, District : Kanker, Chhattisgarh

... appellant (s)

versus

1 - State Of Chhattisgarh Through Police Station Madanwada, District : Mohla-
Manpur-Ambagarh Chowki, Chhattisgarh

... Respondent(s)

For appellant (s) : Mr. Sandeep Singh, Advocate

For Respondent(s) : Mr. S. S. Baghel, Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Ravindra Kumar Agrawal, Judge

Order on Board

Per Ramesh Sinha, Chief Justice

22.01.2026

1. Heard Mr. Sandeep Singh, learned counsel for the appellant as well as Mr. S. S. Baghel, Govt. Advocate, appearing for the State/ respondent.
2. The present criminal appeal under Section 21(4) of the National Investigation Agency Act, 2008, filed by the appellant -Mohan Gavde against the impugned order dated 10.11.2025 passed by learned



Special Judge (NIA Act) Rajnandgaon, in Special Case No. 32/2024, whereby the regular bail application filed by the appellant under Section 483 of BNSS has been dismissed.

3. The appellant is an accused in Crime No. 6 of 2024 (wrongly mentioned in the order-sheet as 06/2025), registered at Police Station Madanwada, District Mohla-Manpur-Ambagarh Chowki, for the offences under Sections 10 (b)(ii), 13 (i)(b) and Section 40 of Unlawful Activities (Prevention) Act, 1967 (for short 'UAPA') (as per the ordersheet, the prosecution is under Section) and Sections 420 and 120-B of IPC, and the Special Case No. 32 of 2024 is pending before the learned Special Judge (NIA Act) Rajnandgaon.
4. The case of the prosecution, in brief, is that on 19.05.2024, a secret information was received by the police of Police Station Madanwada that two tractors, which was kept in the house of co-accused Arvind Tulavi was purchased by the funds provided by the Naxalites. The police has seized the said two tractors from his house and upon interrogation, it was found that the co-accused Mahesh Meshram, Sahadev Tulavi and Ram Kishan Yadav gave Rs. 7,50,000/- cash to co-accused Sushil Sahu to purchase the tractor and the said accused get Rs. 6,00,000/- deposited in his bank account and paid the same to the tractor dealer as its consideration and the said tractor was given to another co-accused Ashok @ Baldev Reddy, who engaged in Naxalite activities at Kanker. It is alleged against the present appellant that he purchased the tractor trolly from the amount of nuxellite activities and engaged his tractor trolly in nuxallite activities and helping the other nuxellites in their prohibited activities.



5. The learned counsel for the appellant would submit that the Appellant is innocent and has been falsely implicated in the present case without any prima facie evidence. His implication is based solely on an arbitrary and mechanical linking of his two-wheeled trolley to the alleged offence, merely because its papers were not available during a routine check, he has been made accused in the offence, which is illegal, arbitrary, and violative of Articles 14 and 21 of the Constitution of India. The prosecution case itself refers to a four-wheeled trolley allegedly belonging to the main accused, which was never recovered, whereas the Appellant's trolley is entirely different and bears no matching description, registration, or forensic linkage. The Appellant has no criminal antecedents, no connection with the main accused or any co-accused, and is a permanent resident with deep roots in society. The investigation is complete, the charge-sheet has been filed, and the trial has progressed with 26 prosecution witnesses examined and have not supported the case against appellant, rendering the prosecution case extremely weak. The Appellant is not a flight risk, is willing to abide by any conditions imposed by this Hon'ble Court, and the requirements of Section 21(4) of the NIA Act are fully satisfied, as there are no reasonable grounds to believe that the accusations against him are prima facie true. In these circumstances, and in view of the settled principle that bail is the rule and jail is the exception, the Appellant deserves to be enlarged on bail.
6. On the other hand, learned counsel for the State opposes the submissions made by learned counsel for the appellant and has submitted that the trial is in progress and charge-sheet which were



submitted, there are 8 witnesses cited and in supplementary charge-sheet, there are 20 witnesses cited and in all there are total 28 witnesses cited in which 26 witnesses have already been recorded as stated by learned counsel for the appellant. It is also submitted that bail application of co-accused Sushil Sahu (in CRA No. 79 of 2025) vide order dated 25.02.2025 and co-accused Arvind Tulavi and Mahesh Meshram (in Cr.A. No. 868/2025), Ramkishan Yadav (in CrA No. 897/2025) order dated 31.07.2025, have already been rejected by this Court and the case of the present appellant are also identical to the said co-accused persons, the trial of the case is in progress and therefore they are not entitled for bail.

7. We have heard the rival submissions of the respective parties and considered the same.
8. Considering the nature of allegations levelled against the appellant and the materials collected against them during the investigation, further considering the fact that bail application of co-accused Sushil Sahu (in CRA No. 79 of 2025) vide order dated 25.02.2025 and co-accused Arvind Tulavi and Mahesh Meshram (in Cr.A. No. 868/2025), Ramkishan Yadav (in CrA No. 897/2025) order dated 31.07.2025, have already been rejected by this Court and the case of the present appellant is also identical to the said co-accused persons and also that the trial is in progress and 26 witnesses have already examined before trial Court, we are not inclined to release the appellant on bail.
9. Accordingly, both the appeal is liable to be and are hereby dismissed.



10. As it is stated by learned counsel for the appellant that the Investigating officer is not turning up to get his evidence recorded, if that is so, the concerned Director General of Police is directed to ensure the Investigating Officer and any other Police personal whose evidence is need to be recorded appear before the learned trial Court, failing which they shall be suffered.
11. Learned State counsel is directed to send the copy of this judgment to the concerned Director General of Police for necessary information.
12. Let a copy of this order be sent by the Registrar (Judicial) to the learned Trial Court for necessary information and further action within a period of 48 hours.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice