



2026:CGHC:13017

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1673 of 2026**

Arun Sagarwanshi S/o Fulchand Sagarwanshi Aged About 29 Years R/o
Amleshwar, District Durg, Chhattisgarh.

... Applicant**versus**

State of Chhattisgarh Through S H O, Police Station Jamul, District Durg,
Chhattisgarh

... Non-Applicant

For Applicant : Mr. Anshul Tiwari, Advocate.

For Non-Applicant/State : Mr. Saumya Rai, Deputy Govt. Advocate

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****18.03.2026**

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. 918/2025 registered at Police Station-Jamul, District Durg, (C.G.) for the offence punishable under Sections 115(2), 85, 64(2)(m), 138, 351(3) and 89 of the Bharatiya Nyaya Sanhita, 2023.
2. Case of the prosecution, in brief, is that the complainant (mother of the victim) lodged a report alleging that the victim had been acquainted with co-accused Hemant Agrawal since the year 2023,

and that both of them had solemnized marriage at Arya Samaj, Raipur, and were residing together as husband and wife. It is further alleged that the victim was not willing to continue residing with the co-accused; however, he kept her with him on the pretext of inducement. Thereafter, approximately one month prior to the incident, the victim left Raipur and reached Sakhi Centre, Durg, from where the complainant brought her back home about 15 days prior to the incident. It is further alleged that on 19.11.2025 at around 10:30 AM, co-accused Hemant Agrawal, along with his associates, arrived in two vehicles at the complainant's residence, and after allegedly assaulting her, forcibly took the victim with them to Raipur (C.G.). On the basis of these allegations, an FIR was registered at Police Station Jamul, District Durg (Chhattisgarh), against co-accused Hemant Agrawal and others for offences punishable under Sections 115(2) and 85 of the Bharatiya Nyaya Sanhita, 2023.

- 3.** Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, and no offence punishable with death or imprisonment for life is made out against him. It is contended that the prosecution case is based on vague, speculative and unsubstantiated allegations, without any credible material connecting the applicant with the alleged offence. The applicant is a car booking driver, and on 19.11.2025, the co-accused, who is the husband of the victim and the main accused in the present case, had merely hired the applicant's vehicle bearing registration No. CG 04 LV 1810 (registered in the name of his

father) on a rental basis to bring his wife from her parental home, pursuant to which the applicant accompanied him from Raipur to Village Kurud, District Durg in the ordinary course of his professional duty, without having any knowledge of any alleged dispute between the husband and wife. It is further submitted that even as per the material forming part of the charge sheet, including the memorandum of co-accused Pravin Bhagat, it clearly supports the version of the applicant that the vehicle was hired on booking, and the applicant has been implicated solely on the basis of the memorandum statement of the main accused, which has no evidentiary value in absence of independent corroboration. It is also contended that from the statement of the victim recorded under Section 183 BNSS, the entire allegations are directed against her husband/co-accused, and no specific role has been attributed to the present applicant, which clearly indicates that the dispute is essentially matrimonial in nature. It is also submitted that the present applicant has no criminal antecedents, the charge-sheet has been filed before the competent Court, and the applicant is in jail since 14.01.2026 and the trial is likely to take some time for its conclusion, therefore, he prays grant of bail to the applicant.

- 4.** On the other hand, learned State Counsel appearing for the non-applicant/State opposes the bail application and submits that the charge-sheet has not been submitted in the present case. He further submits that the applicant was actively involved in the commission of the offence and cannot be treated as a mere driver acting in a professional capacity. It is contended that the applicant

accompanied the main accused, who is the husband of the victim, at the time of the incident and facilitated the act of forcibly taking the victim, thereby playing an active role in the crime. It is further submitted that the allegations are serious in nature, involving forceful abduction and assault, and the investigation has revealed sufficient grounds to proceed against the applicant. Considering the gravity of the offence, the applicant is not entitled for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations, the material available on record, and the submissions advanced by learned counsel for both the parties, this Court finds that the present applicant stands on a footing distinguishable from the main accused, who is the husband of the victim and against whom specific and direct allegations have been made. Insofar as the applicant is concerned, his role appears to be limited, prima facie, to that of a cab driver whose vehicle was hired by the main accused, and no specific overt act has been attributed to him either in the FIR or in the statement of the victim recorded under Section 183 BNSS. The case against the applicant is primarily based on circumstantial material, has no any previous criminal antecedents, and the charge sheet has already been filed, with the applicant being in jail since 14.01.2026, and no further custodial interrogation is required. Without commenting on the merits of the case, and considering that the applicant is distinguishable from the main accused, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Arun Sagarwanshi**, involved in Crime No. 918/2025 registered at Police Station- Jamul, District Durg, (C.G.) for the offence punishable under Sections 115(2), 85, 64(2)(m), 138, 351(3) and 89 of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **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 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