



2026:CGHC:3028

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 422 of 2026**

Trinath Yadav @ Sonu S/o Shri Guruvaru Yadav Aged About 38 Years
Caste- Mahkul, R/o Santosh Nagar, Patrapara, P.S. And Tehsil-
Dharamjaygarh, District : Raigarh, Chhattisgarh

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

State Of Chhattisgarh Through Station House Officer, P.S.-
Dharamjaygarh, District : Raigarh, Chhattisgarh

... Non-applicant(s)

For Applicant : Mr. Avinash K. Mishra, Advocate.

For Non-applicant/State : Mr. Shubham Bajpai, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****19.01.2026**

1. This is the first bail application filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 262/2025 registered at Police Station Dharamjaygarh, District- Raigarh (C.G.), for the offences punishable under Sections 296, 351(2) of the B.N.S, 2023 and Section 25 and 27 of the Arms Act. 1959.
2. The case of the prosecution in brief is that as per the F.I.R., the complainant stated that he is the owner of Ananya Bus Service,



Dharamjaygarh. On the relevant date, the applicant/accused allegedly called the complainant on his mobile phone from mobile number 6260180907, threatened him with dire consequences, and abused him. It is further alleged that the applicant/accused also used filthy language while abusing the father of the complainant, Shri Narayan, who is a correspondent of a local newspaper. Thereafter, the complainant lodged a written complaint at the police station, whereupon an F.I.R. was registered for the alleged commission of offences under Sections 296 and 351(2) of the Bharatiya Nyaya Sanhita, 2023, and Sections 25 and 27 of the Arms Act, 1959. At the same time, the S.H.O. directed the complainant to identify and show the house of the applicant/accused to the constables for the purpose of bringing him to the police station for interrogation. Pursuant thereto, the complainant, along with two other travel agents, namely Ayan Khan and Sanjay Biswas, accompanied by constables Manoj Kumar (R-463), Vinay Tiwari (R-278), and A. Ekka (R-413), went to the house of the applicant/accused. It is stated that instead of the constables calling the applicant/accused, the complainant along with his two companions allegedly chased and confronted the applicant/accused. At that time, the applicant/accused, who was engaged in domestic work inside his house, came out of the house and was allegedly holding the seized weapon in his hand. One of the constables, instead of immediately taking the applicant/accused into custody, allegedly recorded a video, thereafter snatched the weapon and arrested the applicant/accused at the spot.



Subsequently, on the basis of the alleged recovery of the weapon, Sections 25 and 27 of the Arms Act were added to the F.I.R.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated due to previous enmity and old disputes, and he has not committed any act attracting the alleged offences. It is contended that the present case has been foisted at the instance of the complainant and his father, who is a local newspaper reporter, with an ulterior motive of extortion, regarding which a prior written complaint has already been made to the Superintendent of Police. The spot of the alleged incident is shown just outside the house of the applicant, which indicates that the complainant, with the assistance of the police, went to the applicant's residence and provoked him to fabricate a false case; moreover, the house has been wrongly shown as a rented premises and no independent neighbour witness has been examined. Despite allegations of threatening and abusive calls, no call detail records have been filed, nor has any statement of the alleged victim been recorded. The daily diary entry also does not support the presence of so-called independent witnesses, and there is no allegation of obstruction of any public servant. The alleged electronic evidence is unreliable as the recording device was neither seized nor subjected to forensic examination. The prosecution has further relied upon an old Arms Act notification without placing any valid adoption notification of the State of Chhattisgarh on record. Though multiple cases are shown against the applicant, several are preventive in nature and others have resulted in acquittal or compromise, while



pending cases could not be attended due to the applicant's arrest in the present matter. It is further submitted that the offences under the Bharatiya Nyaya Sanhita are bailable and the applicant is in custody only on account of the Arms Act provisions, now that the investigation is complete and the charge-sheet has been filed, no further custodial interrogation is required. Accordingly, he prays for grant of bail to the applicant.

4. On the other hand learned State counsel opposes the bail application of the present applicant and submits that in the present case, charge-sheet has been filed before the competent Court and further the applicant has total 12 criminal antecedents which have been duly explained in the bail application of para No. 4(A) as such, he is a habitual offender, he is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, nature of allegations and also considering the criminal antecedents of the applicant which has been explained in the bail application of para No. 4(A) and the applicant has been in jail since 22.09.2025, no further interrogation is required, conclusion of the trial may take some more time, therefore, this Court is of the view that the present applicant is entitled to be released on bail in this case on the ground of parity.
7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant – **Trinath Yadav @ Sonu**, involved in Crime No. 262/2025 registered at Police Station Dharamjaygarh, District-



Raigarh (C.G.), for the offences punishable under Sections 296, 351(2) of the B.N.S, 2023 and Section 25 and 27 of the Arms Act. 1959, be released on bail on his 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.

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

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal