



2026:CGHC:3401



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 739 of 2026

Dileshwar Yadav S/o Late Rajendra Yadav Aged About 21 Years R/o Bazar Chowk, Rasmada Chowki, Ajora, Police Station Pulgaon, District - Durg (C.G.)

... Applicant

versus

State of Chhattisgarh Through The Station House Officer, Police Station Pulgaon, District - Durg (C.G.)

... Non-Applicant

For Applicant : Mr. Praveen Dhurandhar, Advocate.

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

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

1. This is the **Second bail application** filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 301/2024 registered at Police Station - Pulgaon, District - Durg (C.G.), for the offence punishable under Sections 307 of Bharatiya Nyaya Sanhita, 2023.
2. Earlier bail application of the applicant was rejected by this Court vide order dated 02.05.2025 passed in MCRC No. 3393/2025 on merits.
3. Case of the prosecution, in brief, is that, the complainant, namely, Bhupendra Nishad has lodged a report before the outpost Anjora, District Durg on 15.06.2024 stating that at about 9.00 a.m. his brother Jwala



Prasad went to Parkar Hotel Rasmada where the applicant was present and they were taking breakfast when his elder brother Jwala Prasad went near counter to pay the bill at that moment the applicant Dileshwar Yadav come behind the back and saying that you have not offer the Puri and inflicted injury by means of knife at the neck out of the said incident neck of the victim was cut and ample blood was oozing, so that immediately he has hospitalized at Shankarachary Hospital Junwani, Bhilai by Ambulance. On the basis of the said report the police has registered the offence under Section 307 of I.P.C. against the present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that although the first bail application was dismissed by this Court vide order dated 02.05.2025 passed in MCRC No. 3393/2025, a new ground has now arisen. It is submitted that the applicant has been in judicial custody since 16.06.2024. It is further argued that out of 19 prosecution witnesses, statements of only 08 witnesses have been recorded so far and statement of injured has also been recorded. Further, the applicant has no previous criminal antecedents. It is also submitted that the charge-sheet has been filed. Therefore, he prays that the applicant be enlarged on bail.
5. On the other hand, learned State counsel opposes the bail application and submits that the charge-sheet has been filed. He further submits that the first bail application was dismissed by this Court vide order dated 02.05.2025 passed in MCRC No. 3393/2025 on the ground that the applicant is said to have assaulted the injured with knife, causing a deep incised wound (6x5x3 cm) on the neck, which were found to be grievous in nature and dangerous to life. Therefore, the applicant is not entitled to be released on bail.



6. I have heard learned counsel for the parties and perused the document available on record.
7. Considering the facts and circumstances of the case, the nature and gravity of the allegations made against the applicant, and the fact that this is the second bail application filed by the applicant, although the first bail application was dismissed by this Court vide order dated 02.05.2025 passed in MCRC No. 3393/2025, a new ground has now arisen that the applicant has been in judicial custody since 16.06.2024, further out of 19 prosecution witnesses, statements of only 08 witnesses have been recorded so far, further, statement of injured has also been recorded, the applicant has no previous criminal antecedents, the charge-sheet has been filed, the conclusion of the trial is likely to take sometime, this Court is of the view that the applicant is entitled to be released on bail.
8. Accordingly, the second bail application is **allowed**. Let the applicant, **Dileshwar Yadav** involved in Crime No. 301/2024 registered at Police Station - Pulgaon, District - Durg (C.G.), for the offence punishable under Sections 307 of Bharatiya Nyaya Sanhita, 2023, be released on bail on his furnishing **a 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. However, this Court hopes and trusts that the trial Court shall make earnest endeavour to conclude the trial as expeditiously as possible within a period of six months from the date of receipt of a certified copy of this order, if there is no legal impediment.
10. 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