



2026:CGHC:10118

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 440 of 2026**

Kuraish Khan S/o Khuddush Khan @ Kuddush Khan Aged About 26 Years R/o Senduras, Police Station Malkharauda, District Janjgir-Champa C.G.(Now District Sakti)

... Appellant.**versus**

State Of Chhattisgarh Through Station House Officer, Police Station Jaijaipur, Janjgir-Champa C.G. (Now District Sakti C.G.)

--- Respondents

For Appellant	:	Mr. Praveen Sharma, Advocate with Mr. Chandra Prakash Choubey, Advocate.
For Respondent-State	:	Mr. Jitendra Shrivastava, GA

Hon'ble Shri Justice Arvind Kumar Verma**Order on Board****26/02/2026**

1. This appeal under Section 14-A(2) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for short, 'Act of 1989') is filed against impugned rejection order dated 09.12.2025 (Annexure A-1), whereby appellant's application filed under Section 483 of the BNSS for grant of bail has been rejected.

2. Appellant has been arrested in connection with Crime No.101/2025 registered at Police Station -Jaijaipur, District Janjgir-Champa (C.G.) {Now District Sakti (C.G.)} for offence punishable U/s 126, 296, 351(2), 115(2), 3(5) of BNS and Section 3-1(R-S) of the Act of 1989.
3. As per prosecution case, in brief, is that on 14.05.2025, while complainant was proceeding towards the Kanshigarh with his relatives at rented vehicle/car, at approximately 06:00 PM, near Jaijaipur Market, the accused persons namely Rajkumar Mishra, Aqib Khan and present appellant/Kuraish Khan wrongfully restrained the vehicle/car of complainant and, thereafter, accused Rajkumar Mishra intentionally insulted and humiliated the complainant by uttering caste-based derogatory and also used filthy and obscene language against the female members/relatives of complainant; said accused forcibly pulled the complainant out of the vehicle and physically assaulted him. Simultaneously, co-accused Aqib Khan and present appellant/Kuraish Khan caught hold of the complainant and applied force to his neck with intention of strangulating him, as a result of which, complainant experienced severe suffocation and was on the verge of losing consciousness. Complainant was rescued only due to the timely intervention of his mother and sisters and thereafter somehow they managed to reach Kanshigarh. Shortly, thereafter, two vehicles arrived at the said location and approximately ten persons alighted from the said vehicles and started assaulting the complainant with kicks, fists and

belts; said persons also hurled obscene abuses against the mother and sisters of the Complainant and criminally intimidated him by issuing threats to cause his death. Due to assault, complainant sustained injuries on his head and is suffering from persistent pain in his neck and right ear. Based on report lodged by complainant, FIR was registered against the appellant alongwith other co-accused persons.

4. Learned counsel for appellant submits that appellant has been falsely implicated in this case, he has not committed any offence as alleged against him. On the date of alleged incident, present appellant was not present on spot. There is no any other previous criminal antecedent against the appellant, charge-sheet has been filed, conclusion of trial may take time, hence, looking to his detention period, ie, since 09.12.2025, he may be released on bail.
5. Learned State Counsel opposing submission of counsel for the appellant submits that there is specific allegation against the appellant of committing the alleged offence/crime, hence, may not be released on bail.
6. Heard counsel for respective parties.
7. Pursuant to order of this Court, complainant is present before this Court and he raised strong objection in granting bail to the appellant.
8. Considering entire facts and circumstances of case, nature of allegations, submissions of counsel for the parties, particularly the fact that there is no allegation against the present appellant of

insulting/humiliating the complainant on account of his caste, nor there is any assertion that appellant used any filthy or obscene language against him, further considering that injury caused by the complainant is simple in nature, there is no any other previous criminal antecedent against the appellant, detention period of appellant, I am inclined to allow this appeal.

9. Accordingly, appeal is allowed. Impugned rejection order (Annexure A-1) is set aside. It is directed that appellant shall be released on regular bail upon his furnishing a bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court on the conditions that:-

a) Appellant shall appear before trial Court regularly on each and every date, unless exempted from appearance.

b) Appellant shall not, in any manner, tamper with the prosecution witnesses.

(c) The Appellant shall not, directly or indirectly, make any inducement, threat, or promise to the Complainant or any witness acquainted with the facts of the case so as to dissuade them from disclosing such facts before the Court or to any investigating authority.

Certified copy as per rules.

Sd/-
(Arvind Kumar Verma)
Judge

J/-