



2026:CGHC:8865



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1626 of 2026

Suryakant Singh @ Kalu Thakur S/o Lt. Ramkumar Singh Aged About 50 Years R/o Charoda Basti, Nehru Chawk, Charoda, P.S. Old Bhilai, District- Durg (C.G.)

... Applicant

versus

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

... Non-applicant

For Applicant	: Mr. Mayank Chandrakar, Advocate.
For Non-applicant/State	: Mr. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

19/02/2026

1. This is the first bail application filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023, for grant of regular bail to the applicant who has been arrested in connection with Crime No. 394/2025 registered at Police Station- Purani Bhilai, District- Durg (C.G.), for the offence punishable under Sections 109, 296, 351(3), 115(2), 3(5) of Bhartiya Nyaya Sanhita, 2023 (for short, 'BNS').
2. Brief facts of the prosecution case are that on 15.10.2025 at about 10:10 PM, the complainant, Hemraj Sahu, was sitting and



conversing with his companions, namely Pawan Nishad, Harsh Vardhan Patel, Daneshwar Patel and Rajendra Nath Jogi, near Pani Tanki, Narayani Bhawan. After some time, Rajendra Nath Jogi left the place to go home. It is alleged that when the complainant also came out of the building to proceed towards his house, he saw co-accused Bhawani Shankar Tiwari demanding extortion money from Rajendra Nath Jogi, which the latter refused. Thereafter, Bhawani Shankar Tiwari allegedly caught hold of the complainant's collar and threatened him, stating that he would get him killed and that they would not spare them. At that point, co-accused Kalu Thakur allegedly came from behind and assaulted the complainant on his head with a thick stick, causing a serious head injury. It is further alleged that Bhawani Shankar Tiwari also beat him with a stick and that co-accused Nanu Tiwari and the present applicant Durgesh Kumar Yadav assaulted him by fists and kicks. When Rajendra Nath Jogi and Pawan Nishad tried to intervene, they were also allegedly beaten by the accused persons.

3. On the basis of the complainant's report, an FIR was registered on 16.10.2025 at Police Station Purani Bhilai as Crime No. 394/2025 against Bhawani Shankar Tiwari, Kalu Thakur, Nanu Tiwari and the present applicant Durgesh Kumar Yadav for offences under Sections 109, 296, 351(3), 115(2) and 3(5) of the BNS. During the course of investigation, Section 308(4) of the BNS was also added. After completion of investigation, charge-sheet was filed on 28.11.2025 before the learned Judicial Magistrate First Class, Bhilai-3, District Durg (C.G.) against the present applicant and the



other co-accused persons under Sections 109, 296, 351(3), 115(2), 308(4) and 3(5) of the BNS.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is argued that the role attributed to the applicant is minimal and secondary in nature, as the primary allegation of causing head injury by stick has been levelled against the co-accused persons. Only one injury has been found on the complainant, which does not corroborate the allegation of repeated assault by multiple persons. It is further submitted that the complainant lodged the report in a fully conscious state and even refused X-ray examination during medical treatment, which clearly indicates that the injuries were simple in nature and not life-threatening. Therefore, the addition of Section 308(4) of the BNS is not justified in the facts of the case.
5. It is further submitted that the investigation has been completed and charge-sheet has already been filed on 28.11.2025 before the learned Judicial Magistrate First Class, Bhilai-3. The applicant is in judicial custody since 16.10.2025, i.e., for more than 100 days, and no further custodial interrogation is required. It is contended that continued detention of the applicant amounts to pre-trial punishment and violates his fundamental right under Article 21 of the Constitution of India. It is also submitted that the applicant is about 50 years of age and out of 08 previous criminal cases registered against him, he has been acquitted in 07 cases and only 01 case is pending. Thus, there is no likelihood of his absconding or



tampering with prosecution evidence. He undertakes to abide by any condition imposed by this Court. It is lastly submits that co-accused namely Durgesh Kumar Yadav has already been englarred on bail by this Court in MCRC No.10458/2025 vide order dated 21.01.2026 therefore, he prays for grant of bail on the ground of parity.

6. On the other hand, learned State counsel opposes the bail application and submits that the applicant was actively involved in the incident and that a serious offence under Section 308(4) of the BNS has been registered against him. It is contended that considering the nature and gravity of the allegations as well as the criminal antecedents of the applicant, he is not entitled to be released on bail. However, learned State counsel fairly does not dispute that out of 08 previous criminal antecedents, the applicant has been acquitted in 07 cases and only 01 case is pending. He also does not dispute the fact that the co-accused has already been granted bail by this Court in MCRC No.10458/2025 vide order dated 21.01.2026.
7. I have heard learned counsel appearing for the parties and perused the case diary.
8. Taking into consideration the facts and circumstances of the case, particularly the nature of allegations and the role attributed to the present applicant, coupled with the fact that the investigation has been completed and charge-sheet has already been filed before the learned Judicial Magistrate First Class, Bhilai-3, and further



considering that the applicant is in judicial custody since 16.10.2025, as well as the fact that the co-accused has already been enlarged on bail by this Court in MCRC No. 10458/2025 vide order dated 21.01.2026, and also that out of 08 criminal antecedents the applicant has been acquitted in 07 cases, without expressing any opinion on the merits of the case, this Court is of the view that the present applicant is entitled to be released on bail.

9. Accordingly, the bail application of the applicant is **allowed** on the ground of parity.
10. Let the applicant – **Suryakant Singh @ Kalu Thakur**, involved in Crime No. 394/2025 registered at Police Station- Purani Bhilai, District- Durg (C.G.), for the offence punishable under Sections 109, 296, 351(3), 115(2), 3(5) of BNS, 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.

- 11.** Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

**Sd/-
(Ramesh Sinha)
Chief Justice**

Rahul Dewangan