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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 1797 of 2026

Om Dubey @ Pratham Dubey S/o Shri Rajiv Dube Aged About 25 Years
R/o Moti Nagar, Kota, Raipur, Police Station Saraswati Nagar, District
Raipur, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through P.S. Deendayal Nagar, District Raipur,
Chhattisgarh.

... Non-Applicant

For Applicant	: Mr. Pragalbha Sharma, Advocate
For Non-Applicant/State	: Ms. Nupur Trivedi, Panel Lawyer

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

24.02.2026

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. 410/2025 registered at Police Station-Deendayal Nagar, District Raipur, (C.G.) for the offence punishable under Sections 109(1)(2) R/w section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under Sections 25 & 27 of the Arms Act.



2. Case of the prosecution, in brief, is that the complainant, Ayush Agarwal, along with his friends, was travelling in a car when they were allegedly intercepted by the present applicant and other co-accused persons on account of a previous dispute. It is alleged that the applicant and co-accused persons began hurling obscene abuses and physically assaulted the complainant and his companions with fists and blows. During the course of the altercation, the applicant, along with the co-accused, is stated to have brandished a knife and attempted to stab Ayush Agarwal in the abdomen with the intention to commit his murder, as a result of which he sustained an injury near his waist. On the basis of the said incident, the FIR has been registered against the applicant and other co-accused persons.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated by the complainant and has no role whatsoever in the commission of the alleged offence. It is further submitted that in respect of the same incident, a prior FIR bearing Crime No. 409/2025 was lodged by the co-accused at Police Station Deendayal Nagar on 11.09.2025, and the present FIR has been filed subsequently as a counterblast only to misuse the process of law, the copy whereof has been annexed as Annexure A/4. He fairly submits that though there are 13 previous criminal antecedents against the applicant, in most of the cases he has either been acquitted or the matters have been disposed of on payment of nominal fine due to lack of evidence, and only two cases are presently pending trial (Annexure A/2 colly). It is further



submitted that the co-accused persons, namely, Happy Rangi @ Vaibhav Rangi and Rishabh Singh Thakur have already been granted bail by this Hon'ble Court in MCRC Nos. 481/2026 and 1590/2026 vide orders dated 20.01.2026 and 13.02.2026, and the case of the present applicant stands on identical footing. He also submits that the present applicant is in jail since 13.09.2025, the charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant on the ground of parity.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. She also submits that the allegations against the present applicant are grave and serious in nature, as he along with other co-accused persons, due to a prior dispute, wrongfully intercepted the complainant and his friends, abused them in obscene language, and physically assaulted them. It is further submitted that during the incident, the applicant allegedly used a knife and attempted to stab the complainant in the abdomen with the intention to commit murder, resulting in an injury near his waist. She further submits that he has 13 criminal antecedents, which shows that the present applicant is a habitual offender. Considering the nature of the weapon used, the intention attributed, and the seriousness 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. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicant since 13.09.2025, the fact that though the present applicant along with other co-accused persons, due to a prior dispute, wrongfully intercepted the complainant and his friends, abused them in obscene language, and physically assaulted them, and during the incident, the applicant allegedly used a knife and attempted to stab the complainant in the abdomen with the intention to commit murder, resulting in an injury near his waist and further the fact that the applicant has 13 criminal antecedents, but in most of the cases he has either been acquitted or the matters have been disposed of on payment of nominal fine due to lack of evidence, and only two cases are presently pending trial and further the fact that the co-accused persons, namely, Happy Rangi @ Vaibhav Rangi and Rishabh Singh Thakur have already been granted bail by this Court in MCRC Nos. 481/2026 and 1590/2026 vide orders dated 20.01.2026 and 13.02.2026, and the case of present applicant is identical to that of the co-accused person, and the charge-sheet has been filed in the present case, this Court is of the view that the 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**. Let the Applicant – **Om Dubey @ Pratham Dubey**, involved in Crime No. 410/2025 registered at Police Station- Deendayal Nagar, District Raipur, (C.G.) for the offence punishable under Sections 109(1)(2) R/w section 3(5) of the Bharatiya Nyaya Sanhita, 2023 and under



Sections 25 & 27 of the Arms Act, be released on bail on furnishing **personal bond** with **two heavy 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



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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