



2026:CGHC:10309



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2025 of 2026

Sanjay Gond S/o Shri Ram Lal Aged About 28 Years R/o Jay Ram Nagar, Tehsil- Masturi Thana- Masturi- District- Bilaspur (C.G.)

... Applicant(s)

versus

State Of Chhattisgarh Through -Police Station- Masturi, District- Bilaspur (Chhattisgarh)

---- Non-applicant(s)

For Applicant	:	Mr. Krishna Kumar Khatri, Advocate.
For Non-Applicant	:	Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

27/02/2026

1. This is the First bail application filed under Section 483 of the Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 723/2024 registered at Police Station, Masturi District Bilaspur (C.G.), for the offence punishable under Sections 296, 351(2), 115(2), 109, 3(5) of BNS.
2. Case of the prosecution, in brief, is that on 24.11.2024, the complainant Surendra Sen @ Shani was called by co-accused



Phagu Sidar on the pretext of settling an old dispute. Acting on the said call, the complainant along with his village acquaintance Manu Bhargava went on a Bullet motorcycle near Jayaram Nagar Railway Station. At about 6:30 PM, they reached near a chowmein stall where co-accused Phagu Sidar was already present. It is alleged that upon their arrival, Phagu Sidar called other co-accused persons, namely Bhoklu, Sanjay Sidar, Chhota and others, who came to the spot. It is further alleged that all the accused persons abused the complainant in filthy language, threatened to kill him and assaulted him with hands and fists. It is also alleged that in the darkness, co-accused Bhoklu and Sanjay Sidar assaulted the complainant with a sharp-pointed object, causing injuries on his chest and back. It is further alleged that when Manoj Yadav, who was standing near the chowmein stall, tried to intervene and pacify the matter, he was also assaulted and sustained injuries. On the basis of the said report lodged by the complainant, the police registered the offence against the applicant and other co-accused persons and took up the matter for investigation. After completion of investigation, a charge-sheet has been filed against the applicant under Sections 296, 351(2), 115(2), 109 and 3(5) of the Bharatiya Nyaya Sanhita.

3. Learned Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case merely on the basis of statements of the prosecution witnesses and the memorandum statement of co-accused persons, without there being any independent evidence connecting him with the alleged



offence. He further submits that out of five prosecution witnesses examined so far, the statements of the two injured witnesses, namely the complainant Surendra Sen @ Shani and Yudhishtir @ Manoj, have already been recorded before the learned trial Court, and both of them have not supported the prosecution case with regard to the presence or involvement of the applicant at the time of the alleged incident, thereby materially weakening the prosecution case. He further submits that the applicant is in judicial custody since 26.05.2025, the investigation is complete and the charge-sheet has already been filed before the competent Court and therefore the applicant is no longer required for custodial interrogation. Therefore, considering the facts and circumstances of the case, the applicant prays that he be released on bail.

4. Learned State Counsel opposes the prayer for bail and submits that as per the prosecution case, the applicant along with other co-accused persons formed an unlawful assembly and assaulted the complainant and the injured witnesses, causing injuries with a sharp-pointed object and therefore a prima facie case is made out against the applicant along with co-accused. She submits that the charge-sheet has already been filed and the trial is in progress, and therefore considering the nature and gravity of the offence, the applicant is not entitled to be released on bail at this stage. However, he fairly submits that the applicant is in judicial custody since 26.05.2025 and has no criminal antecedent.
5. I have heard learned counsel for the parties and perused the case diary.



6. Considering the facts and circumstances of the case, particularly the fact that the applicant is in judicial custody since 26.05.2025, the investigation has been completed and the charge-sheet has already been filed and out of the prosecution witnesses examined so far the injured witnesses have not supported the prosecution case with regard to the involvement of the applicant and also taking into consideration that the applicant has no criminal antecedent and the trial is likely to take some time for its conclusion, this Court is of the opinion that the present applicant is entitled to be released on bail.
7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the Applicant – **Sanjay Gond**, involved in Crime No. 723/2024 registered at Police Station, Masturi District Bilaspur (C.G.), for the offence punishable under Sections 296, 351(2), 115(2), 109, 3(5) of BNS, be released on bail on 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 she 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 her counsel. In case of her absence, without sufficient



cause, the trial court may proceed against her under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure her 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 her, 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 her 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**