



2026:CGHC:9851



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 1831 of 2026**

Vivek Gupta @ Gopal Gupta S/o Shivprasad Gupta Aged About 29 Years
R/o Men Market, Pan Chauraha Ichhawar, Police Station Sehore, District
Sehore (M.P.)

... Applicant**versus**

State of Chhattisgarh Through Police Station Bhatapara, District
Balodabazar-Bhatapara, Chhattisgarh.

... Non-Applicant

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

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****25.02.2026**

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. 256/2025 registered at Police Station Bhatapara City, District Balodabazar-Bhatapara,, (C.G.) for the offence punishable under Sections 351(3), 353(2), 318(2) and 79 of Bharatiya Nyaya Sanhita, 2023, and Section 66(d) of the I.T. Act.
2. Case of the prosecution, in nutshell, is that a written complaint was lodged by the complainant, Anil Gupta, on 12.04.2025. It is alleged



that on the occasion of Hanuman Jayanti, while the complainant was participating in the puja at the Bal Hanuman Temple, he received a phone call from an unknown person who threatened that the complainant and his brother should stay away from Shefali, failing which both of them would be eliminated and their house would be set on fire. The caller disclosed his name as Ramgopal Gupta, stated to be the uncle of the present accused. It is further alleged that the present applicant has been sending threatening messages from mobile number 8602417047, using abusive language during telephonic conversations, and defaming the complainant's family through messages circulated on WhatsApp and Facebook. On the basis of the aforesaid allegations, the FIR has been registered. Hence, this bail application.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case with an ulterior motive to harass him, and that he has no role whatsoever in the commission of the alleged offences. It is further submitted that the applicant has been in a love relationship with Shefali Gupta, daughter of Prakash Gupta, for the past seven years, and although Shefali intended to marry the applicant, her uncles, Anish and Sunil, opposed the said relationship and, on account of such opposition, have instituted the present false case against him. It is contended that the entire prosecution case is based solely on oral allegations without any cogent or independent evidence. He further submits that, except Section 353(2) of the Bharatiya Nyaya Sanhita, 2023, the remaining offences under Sections 351(3), 318(2), and 79 of the



B.N.S., 2023, and Section 66(d) of the Information Technology Act are predominantly bailable in nature, and therefore, the continued incarceration of the applicant is unjustified and contrary to the settled principles governing grant of bail. He also submits that the The applicant is a young man aged about 29 years and he has only one criminal antecedent which is pending, he is in jail since 02.12.2025, 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.

4. On the other hand, learned State Counsel appearing for the respondent/State opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. She further submits that as per the prosecution case, the complainant Anil Gupta lodged a written complaint on 12.04.2025 alleging that on the occasion of Hanuman Jayanti, while he was present at Bal Hanuman Temple for puja, he received a threatening call from a person who disclosed his name as Ramgopal Gupta, uncle of the present accused, and threatened to eliminate the complainant and his brother and to set their house on fire if they did not stay away from Shefali. It is further submitted that the present applicant has been continuously sending threatening messages from mobile number 8602417047, using abusive language over phone calls, and defaming the complainant's family through WhatsApp and Facebook, and therefore, considering the serious nature of the allegations, 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, the fact that though there are allegations that the applicant has committed the said crime, but the applicant has only one previous criminal antecedent which is pending, the charge-sheet has been filed in the present case and he is in jail since 02.12.2025 and the trial is likely to take sometime for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the bail application is **allowed**. Let the Applicant- **Vivek Gupta @ Gopal Gupta**, involved in Crime No. 256/2025 registered at Police Station Bhatapara City, District Balodabazar-Bhatapara,, (C.G.) for the offence punishable under Sections 351(3), 353(2), 318(2) and 79 of Bharatiya Nyaya Sanhita, 2023, and Section 66(d) of the I.T. Act, 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.

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