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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1998 of 2026**

1 - Vasu @ Yashwant Sahu S/o Dauram Sahu Aged About 26 Years R/o Sanjay Nagar, Near Milan Chowk, P.S. Tikrapara, Dist. Raipur (C.G.)

2 - Hemant Sahu @ Chhotu Sahu S/o Manik Sahu Aged About 24 Years R/o Sanjay Nagar, Near Milan Chowk, P.S. Tikrapara, Dist. Raipur (C.G.)

... Applicant(s)**versus**

State Of Chhattisgarh Through Station House Officer (S.H.O) P.S.- Tikrapara, Dist.- Raipur (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Shalvin Sharma, Advocate.

For Respondent(s) : Ms. Ankita Shukla, Panel Lawyer.

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

04/05/2026

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 applicants who have been arrested in connection with Crime No. 346/2025 registered at Police Station



Tikrapara, Dist.- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 118(1), 118(2), 3(5) of Bharatiya Nyaya Sanhita (for short 'BNS').

2. Case of the prosecution, in brief, is that on 15.05.2025, the Head Constable of Police Station Tikrapara received information from DKS Super Speciality Hospital, Raipur, that the injured Kanha Soni had been admitted after being assaulted by Hemant Sahu and Vasu alias Yashwant Sahu. Upon inquiry, the victim stated that on 14.05.2025 at about 3:30 PM, while he was sitting near Milan Chowk, Sanjay Nagar, the accused Hemant Sahu asked him to bring water pouches and disposable glasses for consuming alcohol. When the victim refused, Hemant abused him in filthy language, threatened to kill him, and assaulted him with a beer bottle, causing injuries on his head and back. Thereafter, Hemant went to the terrace of Vasu's house, and when the victim followed him, both accused persons, in furtherance of their common intention, again abused and threatened him. Subsequently, Vasu assaulted the victim with a sword-like sharp weapon, causing grievous injuries to his head, ear, and left eye. On the basis of the complaint, Crime No. 346/2025 was registered at Police Station Tikrapara under Sections 296, 351(2), 115(2), 118(1), and 3(5) of the Bharatiya Nyaya Sanhita (BNS), and the accused persons were arrested. Investigation has been completed and the charge-sheet has been filed. Hence, the bail application.
3. Learned counsel for the applicants submits that the applicants



have not committed any offence and they have been falsely implicated in offence in question. He further submits that there is no memorandum statement or seizure memo attributed to the applicant/accused Hemant Sahu, and the same is also absent from the charge-sheet. Further, while the prosecution alleges that a beer bottle was used as the primary weapon of assault, no such article has been seized or produced. Additionally, the prosecution story refers to the use of a sword-like sharp weapon; however, from the co-accused Yashwant Sahu, an entirely different object, i.e., a steel rod, has been shown to be seized, thereby creating material contradictions in the prosecution case. He also submits that the incident arose out of a petty dispute between the parties, which, in the heat of the moment, escalated into a minor altercation. Subsequently, the matter has been amicably settled between the parties outside the Court. The victim's mother has also filed an affidavit before the trial Court stating that the dispute has been resolved and she has no objection if the applicants/accused are enlarged on bail. The said affidavit is filed as *Annexure A-3*. He later submits that there existed a prior dispute between the complainant and the applicant, which has been exploited by the complainant by making false and exaggerated allegations under alleged political influence. Notably, no prompt report was lodged by the complainant, neither at the police station nor through emergency services. The delay of more than 24 hours in hospital admission, despite the alleged serious



injuries, raises doubt regarding the prosecution version and suggests that the medical condition of the complainant is exaggerated and suspicious. The applicant is in jail since 04.12.2025, the applicant has no criminal antecedent, charge-sheet has been filed and the trial is likely to take some time for its conclusion. So far as the status of trial is concerned, there are total 13 witnesses in the present case and no statement of any witness has been recorded till date. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. He further submits that the applicants in furtherance of their common intention, abused the complainant, threatened him with dire consequences, and assaulted him. Applicant, Hemant Sahu is alleged to have initially attacked the complainant with a beer bottle, causing injuries to his head and back, while co-accused, Vasu @ Yashwant Sahu is alleged to have subsequently assaulted him with a sword-like sharp weapon, due to which, the complainant sustained life-threatening injuries on vital parts of his body i.e. gliosis in left parieto-temporal region and depressed fracture of left parietal bone, therefore, 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 04.12.2025, the fact that though the applicant in furtherance of their common intention, abused the complainant, threatened him with dire consequences, and assaulted him. It is alleged that the present applicant, Hemant Sahu, initially attacked the complainant with a beer bottle, causing injuries to his head and back, and thereafter, the co-accused, Vasu @ Yashwant Sahu, assaulted him with a sword-like sharp-edged weapon, as a result of which the complainant sustained grievous and life-threatening injuries on vital parts of his body, including gliosis in the left parieto-temporal region and a depressed fracture of the left parietal bone, but considering the fact that there are as many as 13 witnesses in the present case and no statement of any witness has been recorded till date and the conclusion of trial is likely to take some time for its conclusion, further considering the fact that the applicant has no criminal antecedents and charge-sheet has been filed, as such, this Court is of the view that the applicant is entitled to be released on bail in this case.
7. Accordingly, the application is **allowed**.
8. Let the Applicants-**Vasu @ Yashwant Sahu** and **Hemant Sahu @ Chhotu Sahu**, involved in CCrime No. 346/2025 registered at Police Station Tikrapara, Dist.- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 118(1), 118(2), 3(5) of BNS, be released on bail on their furnishing a **personal**



bond with two sureties each in the like sum to the satisfaction of the Court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against him under Section 269 of Bharatiya Nyaya Sanhita.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(iv) The applicants 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 applicants are 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 them in accordance with law.

9. However, this Court hopes and trusts that the trial Court shall



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make earnest endeavour to conclude the trial expeditiously preferably within a period of **six months** from the date of receipt of certified copy of this order, in accordance with law, if there is no legal impediment.

10. 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

Kunal