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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2055 of 2026

Tupendra Gilhare S/o Late Shri Khorbahra Gilhare Aged About 25 Years R/o Village Kurru, Police Station Rakhi, Raipur, District Raipur, Chhattisgarh.

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Station Rakhi, Raipur, District Raipur, Chhattisgarh.

... Respondent

For Applicant : Shri Pushpendra Kumar Patel, Advocate.

For : Smt. Smriti Shrivastava, PL.

Respondent/State

Hon'ble Mr. Ramesh Sinha, Chief Justice

Order on Board

20/04/2026

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.176/2025 registered at Police Station Rakhi, Raipur District Raipur (C.G.) for the offence punishable under Section 108 of the Bharatiya Nyay Sanhita 2023 (Section 306 of the Indian Penal Code, 1860)



2. Case of the prosecution, in brief, is that it is alleged that Devanand Gilhare had lodged a report in the Police Station Rakhi, Raipur District Raipur on 24.10.2025, alleging therein that Leela Gilhare (deceased) had committed suicide on 12.08.2025 at 2.00 O'clock by hanging herself due to ill treatment and torture being given by her husband i.e. the applicant. The Police Station Rakhi had registered the First Information Report under Crime No.176/2025 on 24.10.2025 for the offence punishable U/s. 108 of the Bharatiya Nyay Sanhita, 2023 against the present applicant.
3. Learned counsel for the applicant submitted that the applicant is the husband of the deceased. It is argued that the deceased committed suicide as the applicant did not like her and cause of death is asphyxia as a result of hanging, there is no suicide note and dying declaration. He would submit that the charge sheet has been filed in this case and the applicant is in jail since 3/11/2025 and conclusion of trial will take some time, therefore, he prays for grant of bail to the applicant.
4. On the other hand, learned State Counsel opposes the bail application and she would submit that charge sheet has been filed in this case before the competent court.
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, submission of learned counsel for the parties, materials available on record, considering the fact that deceased committed suicide and cause of death is asphyxia as a result of hanging, there is no suicide note and dying declaration, period of detention of the applicant since



3/11/2025, charge sheet has been filed and also considering the fact that trial is likely to take some time for its conclusion, without commenting anything on the merits of the case, 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 and it is directed that the Applicant- **Tupendra Gilhare**, involved in Crime No.176/2025 registered at Police Station Rakhi, Raipur District Raipur (C.G.) for the offence punishable under Section 108 of the Bharatiya Nyay Sanhita 2023 (Section 306 of the Indian Penal Code, 1860), 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,



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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 send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

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