



2026:CGHC:13389

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2257 of 2026**

1 - Altaf Khan S/o Nazir Kahn Aged About 22 Years R/o Gram Bhunda, Bharari, P.S. Kota District- Bilaspur (Cg) (Particular Of The Applicant Is Not Mentioned In The Order Sheet)

... Applicant**Versus**

1 - State Of Chhattisgarh Through- P.S. City Kotwali, Bilaspur District- Bilaspur (Cg)

... Non-Applicant

For Applicant : Mr. Rajkumar Gupta, Advocate

For Non-Applicant : Mr. Ajay Kumrani, Panel Lawyer

SB: Hon'ble Shri Parth Prateem Sahu, Judge**ORDER ON BOARD****19/03/2026**

1. This is the first bail application filed by the applicant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 94/2021 registered at Police Station – Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 147, 148, 149, 294, 506 B, 302/34 of the Indian Penal Code, 1860.
2. Case of prosecution is that, on 31.03.2021 when the deceased Sheikh Iqbal was selling husk on the road side, applicant along with 10-12 persons came there and ahve assaulted him by means of iron rod, club and knife. Due to the assault, Sheikh Iqbal suffered grieovus injuries over his person. He fell down on the road and thereafter, he was taken to

hospital by Julekha Begum and one another where, injured died during the course of treatment. Report was lodged in the concerned police station, based upon which, aforementioned crime was registered and applicant was arrested on 07.01.2023.

3. Learned counsel for the applicant submits that applicant is innocent, he has been falsely implicated in the crime. He has not committed any offence as alleged. He submits that applicant was arrested based on the statement of so-called eye-witnesses Julekha Begum, Sheikh Imran and Rasida Bee. Police seized knife from his possession and his memorandum statement was also recorded. It is contention of counsel for the applicant that during trial, eye-witnesses have been examined and they have not supported the case of prosecution. The other co-accused persons namely, Sahil Khan, Deepak Das and Golu yadav have been enlarged on bail in M.Cr.C. No. 5350/2022, M.Cr.C. No. 7485/2021 and M.Cr.C. No. 5014/2023. Case of the applicant is also on similar footing. He also pointed out that according to his instructions, there are 06 criminal antecedents of the applicant out of which, two offences are registered under Section 353 of the IPC and one under Section 307 of the IPC which is still pending consideration.
4. On the other hand, learned State counsel opposes the submission made by counsel for the applicant and would submit that according to the charge-sheet, there are 03 eye-witnesses to the incident. After commission of the crime, applicant fled away and absconded for considerable period. The police seized incriminating article i.e. knife from the possession of the applicant and therefore, the applicant is the main accused. However, he submits that the submission of counsel for applicant based upon the deposition of Julekha Begum, Sheikh Imran and Rasida Bee is subject matter of appreciation by the learned Trial Court.

5. I have heard learned counsel for the respective parties and perused the documents filed along with the bail application.
6. Taking into consideration, facts and circumstances of the case, nature of allegations, submission of learned counsel for the respective parties, other co-accused person has been enlarged on bail, period of pre-trial detention suffered by the applicant, documents enclosed along with the bail application, trial is likely to take sometime, without commenting anything on merits of the case, I am inclined to allow this application for grant of bail.
7. Accordingly, the bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is allowed and it is directed that applicant shall be released on bail upon his furnishing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of Trial Court concerned on the conditions that:

(a) 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.

(b) 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.

(c) 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 him, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(d) 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 concerned for necessary information and compliance forthwith. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Dey