



2026:CGHC:15106



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 2674 of 2026**

Mohammad Asgar S/o Mohammad Adam, Aged About 45 Years (Age Not Mention In Cause Title), r/o Eidgah Bhata, Near Hind Sports Ground, P.S.- Azad Chowk, District- Raipur (C.G.)

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

State Of Chhattisgarh Through Station House Officer P.S.- Azad Chowk, District- Raipur (C.G.)

... Non-applicant(s)

For Applicant(s) : Mr. Akhtar Hussain, Advocate.

For Non-applicant/State(s) : Ms. Anusha Naik, Dy. Govt. Advocate.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****01.04.2026**

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 307/2025 registered at Police Station Azad Chowk, District- Raipur (C.G.), for the offence punishable under Sections 109, 296, 351(2), 115(2), 118(1), 191(3) of BNS and Section 25, 27 of Arms Act.
2. The case of the prosecution, in a nutshell, is that the complainant, Mohammad Altaf, lodged a report at Police Station Azad Chowk, District Raipur, stating that on 18.10.2025, while taking out the



sandal sheet, an altercation took place with certain boys of Eidgah Bhatha at Baijnath Para. In connection with the said incident, on the night of 19.10.2025 at about 10:30 PM, he, along with Syed Sohaib Ali, Mohammad Zakir, Abdul Aziz, Mohammad Aman and Mohammad Amin, went to Eidgah Bhatha to talk to the local boys. There, they encountered Sameer, Aavesh, Saif, Sarfaroze, Moin, Sahil Bagga, Junaid and others. During the course of the conversation, Saifi and Sarfaroze started abusing the complainant in filthy language, referring to his mother and sister and questioned his presence there. When they were restrained from doing so, all the accused persons, acting in furtherance of their common intention, assaulted the complainant party with fists and also with deadly weapons such as knives, bats and iron rods, with an intention to cause death. As a result of the assault, Mohammad Zakir sustained injuries on his back, Syed Sohaib Ali on his head and stomach, Abdul Aziz on his head, left hand and thigh, and Mohammad Aman on his head, back of the neck, left shoulder and fingers. On the basis of the said report, Police Station Azad Chowk, District Raipur registered Crime No. 307/2025 against the accused persons for offences punishable under Sections 109, 296, 351(2), 115(2), 118(1) and 191(3) of the BNS and took up the investigation. During the course of investigation, the accused persons were arrested and upon completion of investigation, a charge-sheet has been filed against them for the aforesaid offences, along with Sections 25 and 27 of the Arms Act.



3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case, as per the prosecution story, the applicant is alleged to have caused injury only by hands and fists, whereas the co-accused *Mohammad Juned Chauhan*, who allegedly assaulted the injured with a wooden bat, has already been granted bail by this Court vide order dated 27.02.2026 and the main allegations of causing stab injuries by knife are against co-accused *Mohammad Saifi* and others. It is further submitted that the applicant was not present at the place of occurrence and his name does not find mention in the FIR (Annexure A-2), and he has been arrested merely on suspicion, even otherwise, no specific overt act has been attributed to the applicant, neither any weapon nor any incriminating material has been seized from him, nor have the injured or eye-witnesses stated anything specific against him, a bare perusal of the FIR, which arises out of an incident dated 19.10.2025 at Eidgah Bhatha, Police Station Azad Chowk, District Raipur, relating to a prior dispute during a Sandal Chadar procession, would show that the essential ingredients of the alleged offences are not made out against the present applicant and the FIR appears to be an abuse of process of law; hence, the case of the applicant stands on a better footing than that of the co-accused who have already been enlarged on bail and he is entitled to be released on bail on the ground of parity as well as on merits and in the present case, charge-sheet has been filed before the competent Court and he is in jail since 20.10.2025 and



the conclusion of the trial is likely to take some time therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that as per the prosecution case, all the accused persons including the present applicant formed an unlawful assembly and jointly assaulted the victims, co-accused *Mohammad Saifi* and another inflicted knife (stab) injuries, co-accused *Junaid* assaulted with a wooden bat and the present applicant along with other co-accused participated in the assault by hands and fists, resulting in multiple injuries to the injured persons, which are grievous in nature hence, considering the common intention, active participation and gravity of the offence and further the applicant has one criminal antecedent under the Arms Act, the applicant is not entitled to 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 the allegations levelled against the applicant and the material available on record, it appears that the allegation against the present applicant is limited to assault by hands and fists, whereas the co-accused persons namely *Mohammad Saifi* and another are alleged to have caused injuries by knife and co-accused *Junaid* by wooden bat further, no specific overt act causing grievous injury has been attributed to the present applicant and no weapon has been seized from him and his case is distinguishable from that of the main accused, moreover, similarly placed co-accused have



already been granted bail by this Court namely Juned Chauhan, the applicant is in custody for a considerable period and conclusion of trial is likely to take time, therefore, without commenting on the merits of the case, I am inclined to grant bail to the applicant.

7. Accordingly, the bail application of the applicant is **allowed**.
8. Let the applicant, **Mohammad Asgar**, involved in Crime No. 307/2025 registered at Police Station Azad Chowk, District- Raipur (C.G.), for the offence punishable under Sections 109, 296, 351(2), 115(2), 118(1), 191(3) of BNS and Section 25, 27 of Arms 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 them 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 Bharatiya Nyaya Sanhita 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 Section 209 of 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.

9. 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**

Kunal