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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 2713 of 2026

1 - Mithlesh Patel S/o Bihari Lal Patel Aged About 22 Years R/o Professor Colony Sector- 3, Gali No. 07, P.S. Purani Basti, Distt.- Raipur, C.G.

... **Petitioner(s)**

versus

1 - State Of Chhattisgarh Through Police Station- Purani Basti, Distt.- Raipur, C.G.

... **Respondent(s)**

For Petitioner(s) : Mr. Pragalbha Sharma, Advocate

For Respondent(s) : Mr. Shubham Bajbai, Panel Lawyer

Hon'ble Shri Ramesh Sinha, Chief Justice Order on Board

23.03.2026

- The applicant has preferred this First Bail Application under Section 483 of the Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in connection with Crime No. 377/2025, registered at Police Station : Purani Basti, District- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 109(1), 351(2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023.
- As per the prosecution case, the complainant, Manish Yadav,



lodged a report at Police Station Purani Basti, District Raipur, stating that on the night of 07.09.2025 at about 11:30 PM, during a Ganesh Visarjan procession near Danteshwari Temple, Kushalpur, a dispute arose between him and the accused persons while dancing in the procession. It is alleged that during the said altercation, the accused persons, including the present applicant Mithlesh Patel along with co-accused Dipesh Pradhan, abused the complainant and assaulted him and his companions, and one of the associates caused injury by means of a sharp object. It is further alleged that the accused persons also extended threats to the complainant during the incident. On the basis of the said complaint, an FIR was registered against the accused and he was in jail since 15.11.2025. 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 owing to previous disputes and local rivalry. It is further submitted that no specific role or overt act has been attributed to the applicant in the alleged incident, and as per the FIR and case diary, the allegation of causing injury by a sharp weapon is against a co-accused person and not against the present applicant. He further submits that the co-accused person, namely, Dipesh Pradhan is absconder. It is contended that there is an unexplained delay of about four days in lodging the FIR, which casts serious doubt on the authenticity of the prosecution story, and further, the medical examination of the injured having been



conducted two days after registration of the FIR also raises doubt regarding the genuineness and gravity of the alleged injuries. It is also submitted that no document has been placed on record to show that the injured received immediate medical treatment, and despite the incident having allegedly occurred during a Ganesh Visarjan procession in the presence of a large number of people, no independent public witnesses have been cited. It is further submitted that the applicant is in custody since 15.11.2025, the trial is likely to take considerable time, and the continued incarceration of the applicant, who is a young person aged about 22 years, would seriously prejudice his future. It is submitted that the applicant has no previous criminal antecedents, is not a habitual offender, and there is no material evidence on record to substantiate the allegations against him. The applicant is a permanent resident of the address mentioned in the cause title and there is no likelihood of his absconding or tampering with prosecution evidence. He undertakes to furnish adequate surety and to abide by all conditions that may be imposed by this Court, and therefore prays for grant of regular bail to the applicant.

4. On the other hand, learned State counsel vehemently opposed the bail application and submitted that the charge-sheet has already been filed before the competent Court. It is further submitted that during the course of the procession, the applicant, along with other accused persons, assaulted the complainant and his companions, and one of the associates caused injury by



means of a sharp object. Considering the gravity of the offence and the material collected during the course of investigation, it is contended that the applicant is not entitled to be released on regular bail.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, particularly that the incident is alleged to have occurred during a Ganesh Visarjan procession wherein the present applicant is stated to have abused and assaulted the complainant while dancing, and that the injury caused by a sharp object is attributed to one of the accused persons, and further considering that the co-accused is absconder and the present applicant has been in judicial custody since 15.11.2025, has no previous criminal antecedents, the charge-sheet has already been filed before the competent Court, and the conclusion of the trial is likely to take considerable time, this Court is of the considered view that the applicant is entitled to be released on regular bail in the present case.
7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant – **Mithlesh Patel**, involved in Crime No. 377/2025, registered at Police Station : Purani Basti, District- Raipur (C.G.) for the offence punishable under Sections 296, 115(2), 109(1), 351 (2) & 3(5) of the Bharatiya Nyaya Sanhita, 2023, be released on bail on furnishing **personal bond** with **two local 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 misuse the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the applicant fail 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)



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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**

Saxena