



2026:CGHC:16641



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3242 of 2026

Javed Hussain S/o Mubarak Hussain Aged About 28 Years R/o Balaji Nagar, Odiapara, Khursipar, District – Durg, Chhattisgarh.

... Applicant

versus

State of Chhattisgarh Through S. H. O., Police Station Khursipar, District- Durg Chhattisgarh.

... Non-Applicant

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For Non-Applicant/State : Ms. Ritika Verma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

10.04.2026

1. The applicant has preferred this First Bail Application 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. 310/2025, registered at Police Station – Khursipar, District- Durg (C.G.) for the offence punishable under Sections 296, 109, 132, 121(2) of Bharatiya Nyay Sanhita, 2023 (in short 'B.N.S.').
2. As per the prosecution story is in brief, is that the complainant Rupesh Kumar Joshi lodged a report that on 25.11.2025, while on duty for SIR election work by the Election Commission of India, he was collecting counting sheets from door to door of voters in Ward No. 44 Laxmi Narayan Ward of Khursipar. Two employees P Karthik and Dinesh were



also on duty with him. At about 01.00 pm, while on duty in Gokul Nagar of Laxmi Narayan Ward, present applicant came to him and started quarreling with him, and also abusing. While obstructing the election work of the government, present applicant picked up a brick and hit complainant on the head with the intention of killing him. complainant colleagues Karthik and Dinesh intervened and due to the head injury, blood started flowing from the head of the complainant/victim. Based on the complainant's report, the police registered an offense under Crime No. 310/2025 (ANNEXURE A/6), 236 punishable under Sections 296, 109, 132, 121 (2) against the applicant. Hence this bail application.

3. It is submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the allegation against the applicant is that he assaulted the injured with a brick, resulting in a lacerated wound, which has been found to be simple in nature. Learned counsel further submits that the applicant has five previous criminal antecedents, however, in one case he has been acquitted, and two other cases have already been disposed of. The explanation regarding the same has been duly provided in paragraph No. 4A of the present bail application. It is also submitted that the charge-sheet has already been filed, the applicant has been in judicial custody since 26.11.2025, and the trial is likely to take a considerable amount of time to conclude. Therefore, it is prayed that the applicant be enlarged on bail.
4. On the other hand, learned State counsel opposed the bail application and submitted that the charge-sheet has already been filed in the present case. She further submitted that the applicant is alleged to have assaulted the injured with a brick, resulting in a lacerated wound. It is also submitted that the applicant has criminal antecedents, the explanation of which has



been duly provided in paragraph No. 4A of the present bail application.

Therefore, it is contended that the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the documents available on record.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of allegation levelled against the applicant and the fact that the injuries sustained by the complainant/victim is simple in nature and further, criminal antecedents of the applicant has been explained in paragraph No. 4.A of this bail application, the charge-sheet has been filed and he is in jail since 26.11.2025 and conclusion of the trial is likely to take some time, I am inclined to allow this application.
7. Accordingly, the bail application is **allowed**. Let the applicant - **Javed Hussain**, involved in Crime No. 310/2025, registered at Police Station – Khursipar, District- Durg (C.G.) for the offence punishable under Sections 296, 109, 132, 121(2) of Bharatiya Nyay Sanhita, 2023 (in short 'B.N.S.'), 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, 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 concerned for necessary information and compliance forthwith.

**Sd/-
(Ramesh Sinha)
Chief Justice**

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