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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 3297 of 2026**

Omprakash Netam S/o Late Shri Ramesh Netam Aged About 20 Years
R/o Mahavir Nagar, Back Of Gupta Building Golden Tower P.S. New
Rajendra Nagar, District- Raipur (C.G.)

... Applicant**versus**

State of Chhattisgarh Through Police Station Telibandha, District- Raipur
(C.G.)

... Non-Applicant

For Applicant	: Mr. Kartik Kathuria, Advocate
For Non-Applicant/State	: Ms. Vaishali Mahilong, Deputy G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****10.04.2026**

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. 667/2025 registered at Police Station Telibandha, District- Raipur, (C.G.) for the offence punishable under Sections 109 and 61(2) of Bharatiya Nyaya Sanhita, 2023, (for short 'BNS') & under Sections 25 and 27 of the Arms Act.
2. Case of the prosecution, in nutshell, is that on 26.10.2025, the police of Police Station Telibandha received information that the



accused, along with co-accused persons, in furtherance of their common intention, wrongfully restrained and assaulted the complainant/injured, namely Gopal Nirmalkar. It is alleged that the present accused was armed with a sharp-edged weapon (knife) and inflicted injuries upon the victim with the intention to cause his death. On the basis of the said incident, an F.I.R. was registered, and hence, the present bail application.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case and no specific overt act has been attributed to him except vague and omnibus allegations. It is further submitted that the applicant has no role in the commission of the alleged offence and there is no legal material or evidence available on record to constitute the offence as alleged by the prosecution. The applicant has been made an accused only on the basis of the statement of the co-accused and there is no direct involvement, as he was merely a driver of the vehicle. He further submits that no weapon or incriminating article has been recovered from his possession, and no eyewitness has specifically attributed any overt act to him. As per the prosecution story itself, the injuries are not on vital parts and are not sufficient in the ordinary course of nature to cause death, therefore serious offences are not made out. It is also submitted that the applicant is in jail since 26.10.2025 and is a 20-year-old young man who is the sole breadwinner of his family and has no previous criminal antecedents, and the charge-sheet has already been filed, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the



applicant.

4. On the other hand, learned State Counsel appearing for the non-applicant/State opposes the bail application and submits that the charge-sheet has been filed in the present case before the competent Court. She further submits that the present applicant along with co-accused persons, committed a serious offence in furtherance of their common intention and the accused was armed with a sharp-edged weapon (knife), by which he inflicted injuries on the complainant with an intention to cause his death. Considering the gravity of the offence and the manner in which it was committed, the applicant is not entitled to be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations, and the submissions made by learned counsel for the parties, it appears that though the applicant is alleged to have been involved along with co-accused persons in the commission of the offence, but his role is limited and no specific overt act has been attributed to him. The applicant is stated to be merely a driver and no weapon or incriminating article has been recovered from his possession. The injuries sustained by the complainant are not on vital parts and are not sufficient in the ordinary course of nature to cause death. Further the fact that the applicant has no previous criminal antecedents, the charge-sheet has been filed in the present case and he is in jail since 26.10.2025 and the trial is likely to take



sometime for its conclusion, this Court is of the view that the applicant is entitled to be released on bail in this case.

7. Accordingly, the bail application of the applicant is **allowed**. Let the Applicant- **Omprakash Netam**, involved in Crime No. 667/2025 registered at Police Station Telibandha, District- Raipur, (C.G.) for the offence punishable under Sections 109 and 61(2) of Bharatiya Nyaya Sanhita, 2023 & under Sections 25 and 27 of the 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 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



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

Sd/-

(Ramesh Sinha)
Chief Justice

Rahul Dewangan