



2026:CGHC:22068



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 3432 of 2026

Dhanesh Mahipal S/o Shri Jammulal Mahipal Aged About 30 Years
Caste Satnami, R/o Gram Karibhawar, P.S. And Tehsil Jaijaipur, Distt.
Sakti, Chhattisgarh.

...Applicant

versus

State Of Chhattisgarh Through Station House Officer, P.S. Jaijaipur,
Distt. Sakti, Chhattisgarh.

... Non-applicant

For Applicant : Mr. Pranjal Agrawal, Advocate

For Non-applicant : Ms. Sameeksha Gupta, P.L.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

11.05.2026

- The applicants have preferred this First Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as they have been arrested in connection with Crime No.75/2026, registered at Police Station – State of Chhattisgarh through Station House Officer, Police Station



Jaijaipur, District – Sakti, (C.G.) for the offence punishable under Sections 309(6), Section 332(b) and Section 311 of BNS, 2023.

2. That, as per the prosecution case, on the intervening night of 05.03.2026 at about 03:00 AM, the complainant, while alone at her house situated at village Karhi (as mentioned in the FIR), heard a knock at the door and upon opening the same, the accused namely Dhanesh Mahipal (aged about 28 years) allegedly forcibly entered the house, caught hold of her neck and pushed her inside. It is further alleged that the accused assaulted her and, with an intention to commit theft, snatched a gold chain weighing about one tola, valued approximately at ₹1,20,000/-, from her neck. When the complainant resisted, it is alleged that he inflicted injuries upon her neck with a spade-like object, thereby causing hurt. On hearing the commotion, the complainant's relatives reached the spot and she was thereafter taken to the hospital for medical treatment. On the basis of the said report, the present FIR has been registered for the offence punishable under Section 311 of the B.N.S.S.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case and no prima facie material is available on record connecting him



with the alleged offence. It is submitted that the allegations levelled against the applicant are concocted, exaggerated and suffer from material contradictions and inconsistencies. Learned counsel further submits that though it has been alleged that a gold chain belonging to the complainant aged about 65 years was snatched, no recovery of the said gold chain has been made from the possession of the applicant. It is also submitted that though certain criminal antecedents of the applicant have been mentioned in paragraph 4-A, most of the said cases have already been disposed of. Learned counsel further submits that the charge-sheet has already been filed and the applicant is in judicial custody, therefore further custodial interrogation is not required. Hence, it is prayed that the applicant be enlarged on bail.

4. On the other hand, learned State counsel has opposed the prayer for grant of bail and submits that there are serious and specific allegations against the present applicant and his active involvement in the commission of the offence is clearly reflected from the material available on record. It is submitted that merely because no recovery of the alleged gold chain has been made from the possession of the applicant, the same by itself would not entitle him to the benefit of bail. Learned State counsel



further submits that several criminal antecedents have been registered against the applicant, which reflect his criminal conduct. It is also submitted that as per the MLC report, and subsequently, upon further medical examination, fracture of the forearm was detected, which clearly establishes that the injuries sustained by the injured are grievous in nature. Therefore, considering the nature and gravity of the offence as well as the involvement of the applicant in the incident, it is prayed that the present bail application deserves to be rejected.

5. I have heard learned counsel for the parties and perused all of the documents available on record.
6. Considering the facts and circumstances of the case, the nature of allegations levelled against the applicant, the material available on record, and the submissions advanced by learned counsel for the parties, particularly taking into consideration that no recovery of the alleged gold chain has been made from the possession of the applicant, that the charge-sheet has already been filed and the applicant is in judicial custody since **08.03.2026**, therefore, further custodial interrogation of the applicant does not appear to be necessary. This Court has also taken note of the fact that several criminal cases have been



mentioned against the applicant in paragraph 4-A by the prosecution, however, most of the said cases have already been disposed of. Hence, considering the overall facts and circumstances of the case, the present bail application deserves to be allowed.

7. Let applicants, **Dhanesh Mahipal**, involved in Crime No.75/2026, registered at Police Station – State of Chhattisgarh through Station House Officer, Police Station Jaijaipur, District – Sakti, (C.G.) for the offence punishable under Sections 309(6), Section 332(b) and Section 311 of BNS, 2023, 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