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**NAFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**WPCR No. 245 of 2026**

Ramdayal Sahu S/o Ram Prasad Sahu Aged About 50 Years R/o Village  
Malda, P.S. Nandghat, District Bemetara, Chhattisgarh

**... Petitioner**

**versus**

**1 - State Of Chhattisgarh Through Secretary, Department Of Home Affairs,  
Mahanadi Bhawan, Nawa Raipur, (C.G.)**

**2 - District Magistrate District Bemetara (C.G.)**

**3 - Superintendent Of Police District Bemetara (C.G.)**

**4 - Station-In-Charge Police Station Nandghat, District Bemetara (C.G.)**

**... Respondents**

(Cause Title taken from Case Information System)

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For Petitioner : Mr. Priyanshu Gupta, Advocate  
(through Legal Aid)

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For Respondents/State : Mr. Soumya Rai, Deputy Govt. Advocate

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**Hon'ble Shri Ramesh Sinha, Chief Justice**  
**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Order on Board**

**Per Ramesh Sinha, Chief Justice**

**06/05/2026**

1. Heard Mr. Priyanshu Gupta, learned counsel for the petitioner (through



Legal Aid) as well as Mr. Soumya Rai, learned Dy. Govt. Advocate for the State/respondents.

2. The default pointed out by the Registry is waived out.
3. The present petition filed by the petitioner claiming the following reliefs:-

“In view of the facts and grounds stated hereinabove, the petitioner most respectfully prays that this Hon'ble Court may kindly be pleased to:

10.1 Quash the Order dated 10.11.2025 (Annexure P-1) passed by the Office of Respondent No. 2.

10.2 Issue appropriate writ directing the respondents to grant ordinary leave to the petitioner for the period of 14+2 days.

10.3 Pass such other and further order(s) as may be deemed just and proper in the facts and circumstances of the present case.”

4. The subject matter in brief is that the petitioner has been convicted by the learned First Additional Sessions Judge, District Bemetara (C.G.) in Sessions Trial No. 02/2024 for the offences punishable under Sections 304 (Part-I) and 201 of IPC vide judgment of conviction and sentence dated 30.04.2024 and has been sentenced to undergo rigorous imprisonment for 10 years. Being aggrieved, the petitioner preferred Criminal Appeal No. 1131/2024 before this Court, which is pending for final hearing and his application for suspension of sentence has already been rejected vide order dated 07.04.2025. The petitioner is presently lodged in Central Jail, Durg and has undergone about 2 years 6 months



and 18 days of sentence. The petitioner submitted an application for grant of temporary ordinary leave for 14+2 days under the Chhattisgarh Prisoner Leave Rules, 1989, which was recommended by the Jail Superintendent, however, the same has been rejected by the Additional District Magistrate, District Bemetara vide order dated 10.11.2025, which is under challenge in the present writ petition.

5. Learned counsel for the petitioner would submit that the petitioner is in custody since 23.09.2023 and has already undergone more than 2 years and 6 months of incarceration and till date he has not been granted any leave/parole by the competent authority. It is further submitted that as per the provisions of the Chhattisgarh Prisoner Leave Rules, 1989, the petitioner is eligible for grant of ordinary leave and even the Jail Superintendent, Central Jail, Durg has recommended his case for grant of leave, but the same has been rejected mechanically by the Additional District Magistrate without proper application of mind.

He would further submit that the rejection order is based solely on the adverse police report without considering the conduct of the petitioner in jail and the fact that the petitioner is not a habitual offender and has no criminal antecedents. It is also contended that the local villagers including Sarpanch and Panchayat members have expressed no objection to the grant of leave to the petitioner. The counsel would rely upon the judgment of the Hon'ble Supreme Court in **Shor Vs. State of U.P.** (2021) 14 SCC 820 and submit that mere apprehension of breach of peace cannot be a ground to deny parole/leave. Therefore, it



is prayed that the impugned order be set aside and the petitioner be granted temporary ordinary leave.

6. On the other hand, learned counsel appearing for the State opposes the petition and would submit that the Additional District Magistrate has passed the impugned order after due consideration of the report submitted by the Superintendent of Police, District Bemetara, wherein it has been specifically mentioned that the Station House Officer, Police Station Nandghat has not recommended the case of the petitioner for grant of leave. It is further submitted that looking to the nature of offence for which the petitioner has been convicted and the possibility of breach of peace in the locality, the competent authority has rightly exercised its discretion in rejecting the application for grant of leave. Therefore, no interference is warranted in the present petition.
7. We have heard learned counsel for the parties and perused the material annexed with the writ petition.
8. From perusal of the impugned order dated 10.11.2025, it transpires that the application of the petitioner for grant of temporary ordinary leave has been rejected primarily on the basis of the adverse report submitted by the police authorities expressing apprehension of breach of peace in the locality. The competent authority has taken into consideration the inputs received from the Station House Officer, Police Station Nandghat, as well as the report of the Superintendent of Police, District Bemetara before arriving at its conclusion.



9. Apart from the consideration of the District Magistrate, Bastar, we noticed the issue involved in WPPIL No. 33/2025 (In the matter of Suo Moto Public Interest Litigation Vs. State of Chhattisgarh & Others ), which is pending before this Court. In the said WPPIL No. 33/2025, on being direction made by this Court, the Director General of Police, PHQ, Chhattisgarh, filed his affidavit informing the fact about number of absconding accused persons who have been released on bail. It is necessary to reproduce the relevant part of the affidavit of the Director General of Police, Chhattisgarh, Raipur, which has been observed in the order dated 08.12.2025 in the WPPIL No. 33/2025, which reads as under:-

"4. That, the deponent most humbly and respectfully submits that in order to comply with the order of the Hon'ble Court, the deponent has immediately acted upon the letter of the office of the Advocate General dated 17/10/2025 and in continuation of the same, on 22/10/2025 necessary instructions and directions have immediately been issued to all the Range Inspector General of Polices including the Rail to ensure arrest and entry of 40 prisoners who are still absconding, into the jail by carrying out a special drive in this regard and submit a report about the efforts made for arrest of the accused persons by the concerned Police by 02/12/2025 by enclosing the list of 40 absconding prisoners, who were released on parole, but, have not surrendered and are still absconding so that the order of the Hon'ble Court can be complied with by submitting the information in this regard. To



demonstrate this fact, copy of the letter dated 22/10/2025 is filed herewith as Annexure A/3.

5. on That, the deponent most humbly and respectfully submits that taking cognizance of poor performance/efforts/progress in arresting the absconding prisoners, 29/10/2025 a DO letter dated 29/10/2025 has personally been written to all the Range Inspector General of Polices, Chhattisgarh to carry out a special drive for arresting the remaining absconded accused and further ensure their entry into the jail after their arrest by preparing a working plan in this regard under the supervision of concerned District Superintendent of Polices. To demonstrate this fact, copies of the DO letters dated 29/10/2025 are filed herewith as Annexure A/4 colly.

6. That, the deponent most humbly and respectfully submits that as per the information received from 5 Circle Jails of the State, as on 02/12/2025, 2 absconded prisoners of Circle Jail Ambikapur and Circle Jail Jagdalpur have been arrested out of total 40 prisoners and remaining is 38 in number. To demonstrate this fact, copy of the chart showing arrest of 2 absconded prisoners out of 40 prisoners is being filed herewith as Annexure A/5.

7 That, the deponent respectfully submits that the Police Personnel have made their all sincere and best efforts to arrest the aforesaid 40 absconded prisoners / accused and as a result of which the Police has succeeded in arresting 2 absconded prisoners. It is respectfully submitted that to arrest



the remaining 38 absconding prisoners, the continuous efforts are being made by the concerned Police Officials and as soon as the said accused persons are arrested, they would be produced before the concerned learned Trial Court from where they will be sent to the Jail. That, the deponent most respectfully submits that he has the highest regard and respect for the lawful authority of this Hon'ble Court as well as its orders and directions issued from time to time and is duty bound to adhere to and abide by the orders.”

10. This Court also noticed the increasing number of absconding accused persons who have been either released on parole or bail that once they have been released on bail/parol, they are not surrendering after completion of their period of parole.
11. Therefore, considering the entire facts and circumstances of the case and in view of the aforesaid considerations, we are not inclined to release the petitioner on leave.
12. Consequently, his writ petition is **dismissed**.
13. The Registrar (Judicial) is directed to take necessary steps for listing Criminal Appeal No. 1131 of 2024, which is pending for final hearing before this Court, after obtaining appropriate nomination/orders from Hon'ble the Chief Justice.

Sd/-  
**(Ravindra Kumar Agrawal)**  
Judge

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