



2026:CGHC:24030



2026:CGHC:24030

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****MCRC No. 4546 of 2026**

Badri Prasad Chelak S/o Jagdish Chelak Aged About 40 Years R/o
Village Majgaon P.S. Hathband - Baloda-Bazar Distt Baloda-Bazar
Bahatapara Chhattisgarh

... Applicant(s)**versus**

State Of Chhattisgarh Through Station House Officer, Police Station
Suhela, District Baloda-Bazar Bahatapara Chhattisgarh

---- Non-applicant(s)

For Applicant : Mr. V.S. Mishra, Advocate.

For Non-Applicant : Ms. Palak Dwivedi, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****16/06/2026**

1. Learned counsel for the applicant submits that the default pointed out by the registry has been cured.
2. This is the first bail application filed under Section 483 of the BNSS for grant of regular bail to the applicant who has been arrested in connection with Crime No. 404/2025 registered at Police Station Suhela, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 296, 351(3), 127(2), 109(1), 115(2), 324(4), 191(2), 191(3), 190 of BNS Act.



3. As per the prosecution story, in brief, the complainant, namely Vivekanand Verma, lodged an oral report at Police Station Suhela stating that he works as a contractor. On 13.12.2025 at about 8:30 P.M., while he was present in his office along with Balram Dhruw and Sant Ram Sirmour, he received a phone call from his brother-in-law, Sourabh Kashyap, who informed him that he, along with his friends Rajendra Verma and Angad Sahu, had gone to the liquor shop at Hirmi to purchase liquor. During the purchase, a dispute arose regarding overcharging, whereupon the employees of the liquor shop, namely Kavi Manhare, Rajendra Kurre @ Sonu, Badri Chelak and their associates, allegedly abused them in filthy language, threatened them with dire consequences, assaulted them and damaged their Swift car bearing Registration No. CG-04-PM-6860. Sourabh requested the complainant to come to the spot and take him back. Thereafter, the complainant, along with his driver Sivesh Carpenter, Sant Ram Sirmour and Balram Dhruw, proceeded to the Hirmi liquor shop in his Scorpio vehicle bearing Registration No. CG-04-PQ-7770. Upon reaching the spot, he could not find Sourabh and therefore inquired about him from a salesman sitting at the counter of the liquor shop. The salesman allegedly asked him to come inside the shop and assured him that he would provide information regarding Sourabh. As soon as the complainant entered the shop, the door was allegedly closed and Kavi Manhare, Rajendra Kurre @ Sonu, Badri Chelak and their associates started abusing him and assaulted him with wooden sticks and iron rods with an intention to kill him, causing injuries on his head and other



parts of his body. It is further alleged that they dragged him outside the shop and again assaulted him with hands, wooden sticks and iron rods. On witnessing the incident, Sant Ram Sirmour and Balram Dhruw managed to escape, whereas Sivesh Carpenter was allegedly caught by the accused persons and assaulted. The accused persons also caused damage to the complainant's Scorpio vehicle and thereafter left the injured persons at the spot in a bleeding condition. Subsequently, Angad Sahu, a friend of the complainant's brother-in-law, took the complainant to Mission Hospital, Tilda, for treatment. Considering the seriousness of his condition, he was referred to a higher medical centre at Raipur and was admitted to Ramkrishna Hospital, Raipur. The complainant sustained injuries on his head, back, abdominal region, right shoulder, left hand and both legs. He also alleged loss of his wristwatch, gold ring and gold chain during the incident. On the basis of the report lodged by the complainant, the offence was registered and after completion of investigation, charge-sheet was filed.

4. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the aforesaid case and has not committed any offence as alleged by the prosecution. It is further submitted that out of the total five accused persons involved in the present case, four co-accused persons have already been granted bail by this Court and the case of the present applicant stands on the same footing. On merits, it is argued that the alleged incident took place on 13.12.2025, whereas the FIR



came to be lodged by the injured complainant himself on 24.12.2025 and there is no satisfactory explanation for the inordinate delay in lodging the FIR. He further submits that there are four injured persons in the case, namely Vivekanand Verma, Sourabh Kashyap, Sivesh Carpenter and Angad Sahu, out of whom Sourabh Kashyap, Sivesh Carpenter and Angad Sahu have sustained only simple injuries, whereas the complainant Vivekanand Verma alone has suffered grievous injuries. It is contended that as per the medical opinion, the grievous injury is stated to have been caused by a sharp object, whereas the allegation against the present applicant is that he assaulted the complainant by means of an iron rod. It is further submitted that none of the documents forming part of the charge-sheet disclose as to which accused person had actually caused the grievous injury to the complainant. Learned counsel also draws attention to the discharge summary of complainant Vivekanand Verma, wherein the name of the assailant has been mentioned as "unknown", which itself indicates that the complainant was not aware of the person who allegedly caused the grievous injury. It is further submitted that two of the co-accused, namely Kavi Kumar Manhare and Gaukaran Grithlahre @ Raja, have already been enlarged on bail by this Court in MCRC No.3244/2026 vide order dated 05.05.2026 and MCRC No. 2482/2026, vide order dated 05.02.2026 and therefore, the present applicant is also entitled to the benefit of parity. It is also argued that the prosecution has failed to collect any cogent material connecting the present applicant with the alleged offence. The



applicant is in judicial custody since 27.01.2026 and has already suffered substantial incarceration on the basis of false and baseless allegations. Hence, it is prayed that the applicant be enlarged on bail.

5. On the other hand, learned State counsel opposes the prayer for grant of bail and submits that the present applicant is the main assailant and specific allegations have been levelled against him of having assaulted the injured/complainant by means of an iron rod on his head. It is submitted that the complainant sustained as many as three lacerated wounds over the temporal region of his head and, as per the MLC report, the injuries suffered by him were found to be grievous in nature. Learned State counsel further submits that the NCCT Brain report of the injured reveals mild reduction in size and density of subgaleal hematoma over the right parietal convexity, which corroborates the serious nature of the injuries sustained by him. So far as the delay in lodging the FIR is concerned, it is argued that the FIR was lodged by the injured himself after being discharged from the hospital, as immediately after the incident he was undergoing treatment and was not in a condition to approach the police station and lodge the report. Therefore, the delay in lodging the FIR stands sufficiently explained. It is further submitted that the case of the present applicant is distinguishable from that of the co-accused persons who have been granted bail by this Court, as specific overt acts have been attributed to the present applicant and he is alleged to be the principal assailant responsible for causing grievous injuries to the complainant. Hence, the present



applicant is not entitled to be released on bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into consideration the facts and circumstances of the case, nature and gravity of allegations levelled against the applicant, the material available on record, as well as the submissions advanced by learned counsel for the parties, this Court finds that specific allegations have been levelled against the present applicant of having assaulted the injured/complainant by means of an iron rod on a vital part of the body, head. The medical evidence collected during the investigation prima facie indicates that the complainant sustained grievous injuries and remained hospitalized for treatment. The NCCT Brain report further reflects the presence of subgaleal hematoma over the right parietal convexity, thereby lending support to the prosecution version regarding the severity of the injuries sustained by the complainant. So far as the contention regarding delay in lodging the FIR is concerned, the same appears to be prima facie explained from the material available on record inasmuch as the injured himself lodged the report after being discharged from the hospital and at the relevant point of time, was undergoing medical treatment and was not in a position to approach the police station. Further, specific overt acts have been attributed to the present applicant and the allegations against him are distinguishable from those levelled against the co-accused persons who have already been granted bail by this Court. At this stage, the material collected by the prosecution prima facie discloses the



involvement of the applicant in the alleged offence and further recovery of iron rod has been made from the present applicant and this Court does not find any ground to extend the benefit of parity to him. Considering the seriousness of the injuries sustained by the complainant, the specific role attributed to the present applicant, the nature of accusation and the overall facts and circumstances of the case, this Court is not inclined to extend the benefit of bail to the applicant at this stage.

8. Accordingly, the bail application of the applicant namely **Badri Prasad Chelak**, involved in Crime No. 404/2025 registered at Police Station Suhela, District- Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 296, 351(3), 127(2), 109(1), 115(2), 324(4), 191(2), 191(3), 190 of BNS Act, is **rejected**.
9. Needless to say that the trial Court concerned is at liberty to proceed and conclude the trial expeditiously.
10. Office is directed to send a copy of this order to the trial Court for necessary information and compliance forthwith.

Sd/-
(Ramesh Sinha)
Chief Justice