



2026:CGHC:39448



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 1915 of 2026

**1 - Dhaneshwari Nishad W/o Tirahu Ram Nishad Aged About 32 Years
R/o Village Sirrabhanhta, Police Station Gunderdehi, District- Balod
(C.G.) (Description Of Appellant Written As Per Charge Sheet)
... Appellant(s)**

versus

**1 - State Of Chhattisgarh Through The Station House Officer, Police
Station Gunderdehi, District- Balod (C.G.)**

----Respondent(s)

For the Appellant : Mr. Shikhar Sharma, Advocate
Respondent/State : Mr. Dharmesh Shrivastava, Dy, A.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

09.09.2026

1. This appeal under Section 14-A(2) of the Scheduled Caste and the Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short Special Act) is arising out of an order dated 22.06.2026 passed by Special Judge (Prevention of Atrocities Act), Balod (C.G.) (for short the "Special Judge") in Special Session Case No. 53/2025 by which the learned Special Judge has dismissed the application of the appellant under Section 483 of the BNSS. Appellant has been



arrested on 27.05.2025 in connection with Crime No. 153/2025, registered at Police Station – Gunderdehi, District - Balod (C.G.) for the offence punishable under Sections 103(1), 238, 3(5) of the B.N.S., 25 & 27 of the Arms Act and 3(2)(V) of the Special Act.

2. Case of the prosecution, in brief, is that the coaccused Tiharu Ram called a baiga on the fateful date i.e. on 26.05.2025 for performing some rituals along with another Baiga and during that ceremony some of the accused persons attacked the deceased with knife on his neck, as a result he died. During the investigation, memorandum statement of the accused persons were recorded and hence, FIR has been lodged against the appellant.
3. Learned counsel for the appellant would submit that the appellant is innocent and has been falsely implicated in the case. He would further submit that the appellant is in jail since 27.05.2025 as such she has already remained in jail for more than one year, final report has been submitted, he would further submitted that the prosecution witnesses have not supported the case of the prosecution with regard to the present appellant, the memorandum witness has also turned hostile, the final disposal of the Criminal Case may further take time as till date only 9 witnesses have been examined out of total 28 witnesses, therefore, she may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application and would submit that prima facie materials have been brought on record that she brought water for cleaning the blood, as such she was involved in the crime, therefore, she may not be released on bail.
5. The wife of the deceased and brother of the deceased have appeared before this Court and raised no objection in releasing the appellant on bail.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the fact that the appellant has already remained in jail for more than one year, charge-sheet has been filed, the final disposal of the Criminal Case may take longer time as only 9 witnesses out of 28 witnesses have been examined, further



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considering the material collected by the prosecution regarding involvement of the appellant in destroying the evidence, I am inclined to release the appellant on bail.

7. Accordingly, the Criminal Appeal is allowed and the impugned order dated 22.06.2026 is quashed. It is directed that in the event of the appellant executing a personal bond for a sum of Rs. 25,000/- with a surety of the like sum to the satisfaction of the concerned trial Court, then she shall be released on bail. She is directed to appear before the trial Court on each and every date given till disposal of the trial.

Sd/-
(Narendra Kumar Vyas)
Judge