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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 8229 of 2025**

Sadanand Nayak @ Gopal S/o Balasan Nayak Aged About 27 Years
R/o B.S.U.P. Colony Arjun Veli Saddu, P.S. Vidhansabha, District-
Raipur Chhattisgarh **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Vidhansabha, Raipur District- Raipur (C.G.) **... Non-applicant**

For Applicant :Mr. Vinod Kumar Dewangan, Advocate.
For Non-applicant/State :Ms. Monika Thakur, PL.

Hon'ble Shri Ramesh Sinha, Chief Justice**Order on Board****22.01.2026**

1. The applicant has preferred this 2nd Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail, as he has been arrested in



connection with Crime No.194/2025 registered at Police Station – Vidhansabha, Raipur, District Raipur (C.G.), for the offence under Sections 296, 351(2), 115(2), 191(2), 191(3), 118(1), 118(2) and 3(5) of the BNS, 2023. 1st bail application was rejected on merits vide order dated 22.08.2025 passed in M.Cr.C. No.6655 of 2025.

2. That, case of the prosecution is in a nutshell that the complainant has made complaint to the concerned police station alleging that at the time of incident, there was simple dispute between both parties with regard to previous enmity and thereafter, the accused person's son has committed *marpeet* with injured person. Based upon such complaint, the police station has registered the offence under section 296, 351(2), 115(2), 191(2), 191(3), 118(1), 118(2), 3(5) of Bharatiya Nyay Sanhita against the applicant. Hence, this application.
3. Learned counsel for the applicant submits that the present applicant is innocent and has been falsely implicated in the aforesaid case. He further submits that a simple dispute arose between parties, but the applicant has neither assaulted the injured person nor committed any aforesaid offence as alleged by the prosecution against him, the injury is in simple in nature. He further submits that so far the as



the trial is concerned for framing charge, no evidence was collected and a reprot from the trial Judge was received which states that despite of the summons being issued to the witnesses, they did not turn up. He lastly submits that the applicant is in jail since 10.5.2025 and this Court has granted bail to co-accused Yugraj Nayak vide its order dated 31.07.2025 passed in M.Cr.C. No. 4326/2025 and co-accused Lakshay @ Lakky Patre vide its order dated 22.08.2025 passed in M.Cr.C. No. 6624/2025, therefore, on the grounds of parity, the present applicant may also be granted bail by this court.

4. On the other hand, learned State Counsel opposes the bail application and submits that looking to the fact that the 1st bail application of the applicant was rejected on merits, therefore, the applicant is not entitled for grant of bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the overall facts and circumstances of the case, submission of learned Counsel for the parties, further considering the report of the trial Judge which shows that summons were issued and none of the prosecution witnesses have appeared till date and also considering the pre-trial detention and this is repeat bail application, without further



commenting anything on merits, I am inclined to grant bail to the applicant.

7. Let applicant- **Sadanand Nayak @ Gopal** involved in Crime No. 194/2025 registered at Police Station – Vidhansabha, Raipur, District Raipur (C.G.), for the offence under Sections 296, 351(2), 115(2), 191(2), 191(3), 118(1), 118(2) and 3(5) of the 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.



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(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

Priya