



2026:CGHC:3395



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8332 of 2025

Vishal Patel S/o Chandu Patel Aged About 27 Years R/o Village - Kohdiya, Out - Post- Ranveerpur, Police Station - Sahaspur-Lohara, District - Kabirdham (C.G.)

... Applicant

versus

State of Chhattisgarh Through The Station House Officer of Police Station - Shaspur-Lohara, District - Kabridham, Chhattisgarh.

... Non-Applicant

For Applicant	: Mr. Sanjeev Kumar Sahu, Advocate
For Non-Applicant/State	: Mr. Saumya Rai, Deputy Govt. Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

20.01.2026

1. This is the first bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the applicant who has been arrested in connection with Crime No. 185/2025 registered at Police Station- Shaspur-Lohara, District - Kabridham, (C.G.) for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Electricity Act, 2003.
2. The prosecution story, in brief, is that on the intervening night of 24/25.08.2025, the complainant, namely Raju Nishad, after having



dinner along with his family members, went to sleep. On the next morning at about 5:30 a.m., he noticed that his brother Shravan Nishad and father Jaharu Nishad were not present at home. While searching for them along with the village Sarpanch and other villagers, he found the dead bodies of his brother Shravan Nishad and father Jaharu Nishad lying in the agricultural field of one Vishal. It was alleged that marks of electrocution were present on the bodies and a small circular electric wire was found entangled with the body of Shravan Nishad. Upon enquiry, Vishal stated that in order to protect the tomato crop in his field, he had installed a live electric wire tied to a bamboo pole near the bore starter, which came in contact with the deceased persons, resulting in their death due to electrocution. On the basis of the said report, the Police Station Sahaspur-Lohara registered an FIR on 25.08.2025 for the offences punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Electricity Act, 2003. The present applicant has been arrested on the basis of memorandum statements, and hence, this bail application has been filed.

3. Learned counsel for the applicant submits that the present applicant is an innocent person and has been falsely implicated in the instant case, as the FIR has been lodged against him merely on the basis of suspicion and no cogent material has been collected by the prosecution to establish his prima facie involvement in the alleged offences. It is further submitted that the charge-sheet has already been filed and no seizure or documentary evidence relating to ownership of the property or deliberate act has been made against



the applicant. The basic ingredients of the alleged offences are not attracted, as the incident was accidental in nature and there was no intention on the part of the applicant to cause death. He further submits that the applicant has no previous criminal antecedents, the charge-sheet has been filed, he is in jail since 26.08.2025, and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been submitted before the competent Court. He further submits that as per the prosecution case, the deceased persons lost their lives due to electrocution caused by a live electric wire illegally installed in the agricultural field to protect the crop. It is contended that the act of the applicant was highly negligent and dangerous, resulting in the death of two persons, and the offence is grave in nature. Considering the seriousness of the allegations and the manner in which the incident occurred, the applicant is not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature of allegations, and the material available on record, though the applicant is actively involved in the offence, but the applicant has no previous criminal antecedents, he is languishing in jail since 26.08.2025, the charge-sheet has been submitted before the



competent Court and the conclusion of the trial may take some more time, hence, without expressing any opinion on the merits of the case, this Court is of the considered view that the present applicant is entitled to be released on regular bail in this case.

7. Accordingly, the bail application is **allowed**. Let the applicant - **Vishal Patel**, involved in Crime No. 185/2025 registered at Police Station- Shaspur-Lohara, District - Kabridham, (C.G.) for the offence punishable under Section 105 of the Bharatiya Nyaya Sanhita, 2023 and Section 135 of the Electricity Act, 2003, 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 provide a certified copy of this order to the trial Court concerned for necessary information and compliance forthwith.

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