

**HIGH COURT OF CHHATTISGARH AT BILASPUR****WPCR No. 553 of 2025****AKASH KUMAR SAHU *versus* STATE OF CHHATTISGARH****Order on Board**

17/10/2025	Heard, Mr. Dhiraj Wankhede, learned counsel for the petitioners. Also heard Mr. S.S. Baghel, Dy. GA for the State. According to the petitioner, the petitioner, a resident of Avantibai Chowk, Bhilai, is a law student who also assists his father in managing their family-run hotel at Kohka, Bhilai. In 2017, property was purchased in the name of the petitioner's mother, Smt. Savita Devi Prasad, wherein the hotel is operated with due licenses obtained and renewed under the Chhattisgarh Shops and Establishments Act, 1958

and the Municipal Corporation, Bhilai, the latest renewed on 21.01.2025.

According to the petitioner, despite having valid permissions, respondent police officers began visiting the hotel and demanded illegal monthly payments, which the petitioner refused, leading him earlier to file Writ Petition (C) No. 5208/2023 before this Court and this Court Vide order dated 21.12.2023, directed the respondents not to create hindrance in running the hotel.

However, on 08.09.2025, respondent police officers Shri Vivek Singh, Shri Ajit Singh, Shri Harshit Shukla, Shri Ashish Rajput along with driver Shri Omkareshwar Vaishnav entered the hotel, inquired about two guests, and thereafter abused and assaulted the hotel manager, Atul, accusing him of theft of gold ornaments without verifying CCTV footage. When the petitioner intervened, the officers hurled caste-based abuses at him, assaulted his father, and abused his mother and sister in public. The petitioner was forcibly taken to Smriti Nagar Police Station, where he was again tortured by Station In-charge Gurvinder Singh Sindhu

and ASI Pramod Singh, to the extent that he fell unconscious. On the same day, 08.09.2025, an arrest memo was prepared under Section 170 of BNSS, followed by Istagasha under Sections 126 and 135 of BNSS, and the petitioner was produced before the learned SDM, Durg, who, without appreciating his submissions, mechanically took cognizance and issued a jail warrant, sending him to judicial custody in Central Jail, Durg. On 09.09.2025, the petitioner's mother secured his release by furnishing bail bond.

According to the petitioner no FIR exists against the petitioner regarding the alleged theft or illegal operation of the hotel, and his arrest was solely on suspicion and due to altercations with police officers, thereby violating his fundamental rights under Article 21 of the Constitution. Even thereafter, ASI Pramod Singh continues to threaten the petitioner to withdraw complaints, failing which he has threatened to ruin his life.

Considering the serious allegations of illegal arrest, custodial assault, and abuse of authority by the respondent

police officers, coupled with the contention of the petitioner that no FIR has been registered against him in respect of the alleged theft or for running the hotel without valid license, this Court deems it appropriate to call for a response from the higher authority.

Accordingly, the Superintendent of Police, Durg, is directed to file his personal affidavit before this Court clearly indicating the factual position regarding the petitioner's arrest.

List this case after Diwali Holidays.

Sd/-

(Bibhu Datta Guru)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice