



2026:CGHC:3980

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 9825 of 2025**

Shiv Kumar @ Tikaram Gupta S/o Late Surendra Gupta Aged About 36
Years R/o Champa Tahsil And Police Station Champa, District- Janjgir-
Champa C.G. **... Applicant**

versus

State Of Chhattisgarh Through Station House Officer, Police Station
Champa, District- Janjgir-Champa C.G. **... Non-applicant**

For Applicant : Mr. TS Sahu, Advocate.

For Non-applicant/State : Dr. Sourabh Kumar Pande, Dy. A.G.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board**22.01.2026**

1. The applicant has preferred this 1st 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.465/2025 registered at Police Station – Champa, District Janjgir-Champa (C.G.), for the offence under Sections 296, 221, 121(1) and 132 of Bharatiya Nyaya Sanhita, 2023 (for short ‘the BNS, 2023).

2. The prosecution story in short is that a written report was lodged by the informant constable No.1023-Panchram Patel in Champa police station to the effect that during the night duty at about 22.30 am, Drummer Lal Gupta and his brother Shiv Prasad Gupta, residents of Kadam Chowk Champa, came to PR 02 Beckt Raman Patel, who was on night duty, to get a report written by Drummer Lal Gupta and his brother Shiv Prasad Gupta and started abusing loudly, obstructing the government work by saying how will you not write the report, then he and constable Sanjay Kanwat, Mudrika Dave, all three hearing the voice, went and saw that Shiv Prasad Gupta was abusing PR 02 and was about to beat him, then he and constable Sanjay Kewat tried to intervene, but those people were stopped by Shiv Gupta, who was obstructing the government work. It is further alleged that he began to abuse his mother and sister obscenely, threatened to kill and assaulted with his fists. On the basis of this act, a crime was registered and taken up for investigation, which is pending consideration before the courts below. Based on the above

allegations, the aforesaid offences have been registered against the present 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 the applicant is in jail since 10.10.2025, conclusion of trial is likely to take quite some time, therefore, he may be granted bail.
4. On the other hand, learned State Counsel opposes the bail application and submits that considering the fact that police personnel were assaulted, the alleged incident has a serious impact on society at large 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 pre-trial detention, without further commenting anything on merits, I am inclined to grant bail to the applicant.
7. Let applicant- **Shiv Kumar @ Tikaram Gupta** involved in Crime No.465/2025 registered at Police Station – Champa, District Janjgir-Champa (C.G.), for the offence under Sections

296, 221, 121(1) and 132 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.

(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