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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2590 of 2025

Surendra @ Surya Singh Chauhan S/o Late Pila Singh Chauhan Aged About 36 Years R/o Ward No. 11 Ganjpara Bemetara, Police Station Bemetara, District- Bemetara Chhattisgarh

... Appellant (s)

versus

State Of Chhattisgarh Through Police Station Berla, District- Bemetara Chhattisgarh

... Respondent(s)

For Petitioner(s)	:	Mr. Ashutosh Trivedi and Mr. Virendra Verma, Advocates
For Respondent(s)	:	Mr. Sanjeev Pandey, Dy. Advocate General
For Objector	:	Mr. Vaibhav Goverdhan, Advocate

Hon'ble Mr. Justice Narendra Kumar Vyas

Order on Board

20/01/2026

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 03.12.2025 passed by Special Judge (Prevention of Atrocities Act), Bemetara (C.G.) (for short the "Special Judge") by which the learned Special Judge has dismissed the application of the appellant under Section 439 of the Code of Criminal Procedure, 1973. Appellant has been arrested on **02.12.2025** in connection with Crime No. 265



of 2024 registered at Police Station – Berla, District Bemetara (C.G.) for the offence punishable under Sections 296, 351(2), 74 of BNSS 2023 along with Section 3(1)(f) of Scheduled Castes and Scheduled Tribes (prevention of Atrocities) Act, 1989.

2. Case of the prosecution, in brief, is that the complainant made a written complaint in Police Station, Berla stating therein that on 16-9- 2024 the villagers of Sarda invited former MLA Ashish Chhabra to be the chief guest at the inauguration of a cultural stage in the village. The day before, on 15-9- 2024 Surya Singh Chauhan along with his companions visited Sarda and warned appellant that Ashich Chhabra should not be invited to any village event. They threatened if the villagers went ahead with the invitation, they would oppose the event, disrupt it and show black flags to Ashish Chhabra and the organizing,committee and thereafter they left the place of occurrence. On 16-9-2024 at around 4.30 pm as former MLA Ashish Chhabra arrived at the cultural programme in Sarda, Surya Singh Chouhan and his companions appeared near the Daihaan Chowk water tank and in a state of agitation, began verbally abusing the committee members on the stage and the villagers standing nearby with filthy language. They not only abused the Ashish Chhabra, but also abused women present in the event and also threatened to kill them. On the basis of report lodged by the complainant, Police have registered the aforesaid offence 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 women against whom the offences have been allegedly committed, have executed an affidavit that the instant appellant is nowhere involved in



the alleged crime. He would further submit that the appellant is in jail since 02.12.2025, as such he has already remained in jail for 1 month and 16 days, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that there is material against the appellant that he abused the complainant who is Scheduled Caste person, therefore, he may not be released on bail.
5. Counsel for the objector would submit that the case of the appellant is different to the case of the co-accused for which this Court has already granted bail to the co-accused, therefore, the appellant cannot claim for parity and would pray for dismissal of the bail petition.
6. I have heard learned counsel for the parties and perused the record.
7. Considering the facts and circumstances of the case, nature of allegations levelled against the appellant and also the fact that the appellant is in jail since 02.12.2025 and no further custodial interrogation is required, therefore, I am inclined to release the appellant on bail.
8. Accordingly, the Criminal Appeal is allowed and the impugned order dated 03.12.2025 passed by the Special Judge in connection with Crime No. 265 of 2024 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 Rs. 25,000/- to the satisfaction of the concerned trial Court, then he shall be released on bail. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Narendra Kumar Vyas)
Judge