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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 10376 of 2025

1 - Somu Bharti S/o Sunil Bharti Aged About 22 Years R/o Village- Bamhni,
P.S. Akaltara Dist- Janjgir-Champa (C.G.)

2 - Sem Bharti S/o Sunil Bharti Aged About 20 Years R/o Village- Bamhni
P.S. Akaltara Dist- Janjgir-Champa (C.G.)

...Applicants

versus

State Of Chhattisgarh Through- Station House Officer, P.S. Akaltara, Dist-
Janjgir-Champa (C.G.)

... Non-applicant

For Applicants	: Mr. Chandra Prakash Lahrey, Advocate.
For Non-applicant/State	: Ms. Monika Thakur, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

21.01.2026

1. This is the first bail application filed under Section 483 of the Bhartiya
Nagarik Suraksha Sanhita, 2023 for grant of regular bail to the
applicant who have been arrested in connection with Crime No.



569/2025, registered at Police Station - Akaltara District – Janjgir-Champa (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 3(5) & 118(2) of the BNS

2. As per the prosecution case, the complainant lodged a complaint at P.S. Akaltara stating that about 20 days prior, he had lent Rs. 20,000/- to the accused Somu Bharti. On 02.11.2025, at around 10:30 PM, when the complainant met Somu Bharti and Shiv Dahariya at the village square to request repayment of the lent amount, Somu Bharti refused to return the money and started abusing him. Thereafter, Somu Bharti along with Prashant Dahariya alias Shiva Dehariya assaulted the complainant, with Somu Bharti using his hands and Prashant Dahariya assaulting him with a stick. The complainant's elder brother, Wilson Miri, arrived at the scene to intervene, but the accused, namely Somu Bharti, Sem, and Prashant, also assaulted him. The matter was duly investigated, and after completion of the investigation, a charge-sheet was filed against the accused.
3. Learned counsel for the applicant submits that the present applicants are innocent persons and has been falsely implicated in the aforesaid case. He further submits that, as the prosecution has not collected any material to establish the alleged monetary transaction between the complainant and the applicant. The complainant, having demanded money and liquor from the applicant and being refused, allegedly quarreled with the applicant, during which the applicant also sustained injuries, and thereafter lodged a false FIR with an ulterior motive to give a criminal colour to the matter. The applicant had no role in the alleged incident and has committed no offence, and there is



no named FIR against Applicant No. 2, nor is any role attributed to him in the statements recorded under Section 183 of the BNSS. Although the alleged incident is said to have occurred in a public place, no independent witnesses have supported the complainant's version, and the case rests solely on interested and related witnesses. The medical report shows that the injuries sustained are simple in nature, not life-threatening, and do not attract severe punishment. Prolonged detention would cause hardship to the applicant's family. The applicant is a law-abiding citizen with no prior criminal record and there is no likelihood of his committing any offence while on bail. The investigation is complete, and the charge-sheet has been filed, making custodial interrogation unnecessary. Moreover, the offences alleged are triable by a Magistrate and carry limited punishment, and therefore, continued detention of the applicant would be unjustified.

4. On the other hand, learned State Counsel opposes the bail application of the present applicants and submits that the charge-sheet has already been filed in the present case.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the nature and gravity of the offence alleged against the present applicants, the fact that the charge-sheet has been filed before the competent Court, that one co-accused, namely Prashant Singh @ Shiva, has already been granted bail by this Court in MCRC No. 10170 of 2025 vide order dated 15.01.2026, that the applicants have been in judicial custody since 12.11.2025, and further considering that the conclusion of the



trial is likely to take some more time, this Court is of the considered opinion that the applicants are entitled to be released on bail in the present case.

7. Let applicants, **Somu Bharti & Sem Bharti**, involved in Crime No. 569/2025, registered at Police Station - Akaltara District – Janjgir-Champa (C.G.) for the offence punishable under Sections 296, 115(2), 351(2), 3(5) & 118(2) of the BNS, be released on bail on furnishing **personal bond with two local sureties each** in the like sum to the satisfaction of the court concerned with the following conditions:-

(i) The applicants shall file an undertaking to the effect that they 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 applicants 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 applicants 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



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(iv) The applicants 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 themselves 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