



2026:CGHC:3614



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 746 of 2026

1 - Yogesh Dhruw S/o Hemraj Dhruw Aged About 24 Years R/o Village Datrengi, P.S. Gidhpuri, Distt.- Balodabazar-Bhatapara, C.G.

2 - Dani Dhruw S/o Pritam Dhruw (Not Mentioned) Aged About 18 Years R/o Village Datrengi, P.S. Gidhpuri, Distt.- Balodabazar-Bhatapara, C.G.

3 - Hemlal Nirmalkar S/o Pardesi Lal Nirmalkar (Not Mentioned) Aged About 23 Years R/o Village Datrengi, P.S. Gidhpuri, Distt.- Balodabazar-Bhatapara, C.G.

... Applicant(s)

versus

State Of Chhattisgarh Through The Police Station Gidhpuri (Not Mentioned In B.A.), Distt.- Balodabazar-Bhatapara (C.G.)

... Respondent(s)

For Applicant(s) : Mr. Pragalbha Sharma, Advocate.

For Respondent(s) : Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Mr. Ramesh Sinha, Chief Justice
Order on Board

21/01/2026

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 applicants who have been arrested in connection with Crime No. 131/2025 registered at Police Station Gidhpuri, Distt.- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 109, 3(5) of BNS.

2. Case of the prosecution, in brief, is that on 17.10.2025, between 9:30 PM and 10:00 PM near Darga Chowk, Datrengi, a quarrel broke out between the complainant's friend Gopi Chakradhari and co-accused Jitesh Chakradhari over speeding of a motorcycle. During the altercation, when the complainant intervened, the co-accused along with his associate allegedly assaulted the complainant with a knife, causing serious injuries on his back and head. On the basis of the said incident, a crime was registered, and the present applicants were arrested on 18.10.2025 by Police Station Gidhpuri for offences punishable under Sections 109 and 3(5) of the Bharatiya Nyaya Sanhita. After investigation, the police filed the charge-sheet and the case is pending. Hence, the bail application.
3. Learned counsel for the applicants submits that the applicants have not committed any offence, only on the basis of memorandum statement of co-accused person, present applicants have been implicated in offence in question. He further submits that it was the co-accused, Jitesh Chakradhari who assaulted the injured with knife, due to which, injured sustained



grievous injury on the head and back, there is no role of present applicants in the present case. The applicants are in jail since 18.10.2025, the applicants have no criminal antecedents, charge-sheet has been filed and the trial is likely to take some time for its conclusion. Therefore, he prays for grant of bail to the applicants.

4. On the other hand, learned State Counsel opposes the bail application and submits that the charge-sheet has been filed in the present case. She further submits that the allegation against the applicants is that they, in furtherance of common intention, participated in the assault on the complainant and facilitated the knife attack which resulted in grievous injuries to the complainant. So far as criminal antecedents of the applicants are concerned, applicant No.1 has one criminal antecedent of the year 2025 under the BNS and applicant No.2 has one criminal antecedent of the year 2024 under the BNS. Therefore, the applicants are not entitled for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of offence, period of detention of the applicants since 18.10.2025, the fact that though the applicants allegedly in furtherance of common intention, participated in the assault on the complainant and facilitated the knife attack which resulted in grievous injuries to the complainant, but considering the fact that,



admittedly, the said grievous injury was caused to the injured by the accused, Jitesh Chakradhari, and not by the present applicants, so far as criminal antecedents of the applicants are concerned, applicant No.1 and applicant No.2 each have only one criminal antecedent, pertaining to the years 2025 and 2024 respectively, registered under the BNS, further the charge-sheet has been filed, this Court is of the view that the applicants are entitled to be released on bail in this case.

7. Accordingly, the application is **allowed**.
8. Let the Applicants-**Yogesh Dhruw, Dani Dhruw and Hemlal Nirmalkar**, involved in Crime No. 131/2025 registered at Police Station Gidhpuri, Distt.- Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 109, 3(5) of BNS, be released on bail on their furnishing a **personal bond** with **two 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 their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 269 of Bharatiya Nyaya Sanhita.



(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence, proclamation under Section 84 of BNSS. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against them, in accordance with law, under Section 209 of the Bharatiya Nyaya Sanhita.

(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 applicants are 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 them in accordance with law.

9. Office is directed to send a certified copy of this order to the trial Court for necessary information and compliance.

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Akhil