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2026:CGHC:34230

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C No.7160 of 2026

Dinesh Sahu S/o Rajulal Sahu Aged About 27 Years R/o Village
Madhiyapar, Thana Bori, District : Durg, Chhattisgarh ... **Applicant**

versus

State Of Chhattisgarh Through Police Station Bori, District : Durg,
Chhattisgarh ... **Non-applicant**

For Applicant :Mr. Uttam Pandey, Advocate.

For Non-applicant/State :Mr. Sangharsh Pandey, G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

05.08.2026

- The Applicant has preferred this 2nd 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.135/2025 registered at Police Station Bori, District Durg (C.G.), for the offence under Sections 296, 351(3), 115(2), 3(5) and 109 of BNS. Earlier

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application was rejected on merits vide order dated 08.04.2026 passed in M.Cr.C No.976/2026.

2. Case of the prosecution, in brief, is that complainant Tulsiram Sahu lodged a written report at Police Station Bori, District Durg, alleging that a boundary dispute was pending between him and his neighbour, Rajjullal Sahu. It is alleged that an application for demarcation of the disputed land had been submitted before the Tehsildar, pursuant to which the Patwari, Rajulal Deshmukh, along with the Kotwar, Rajudas, carried out the demarcation and thereafter left the spot. At that time, while the complainant's son, Deepak, was standing near the house, the sons of Rajjullal Sahu, i.e. the present Applicant and co-accused Khumid Sahu, arrived at the spot, objected to the demarcation stating that they did not accept it and started abusing the complainant party in filthy language. It is further alleged that upon objection, the present Applicant assaulted the complainant with a wooden stick (danda) on his head with an intention to cause his death, while Khumid Sahu also assaulted him with a danda on his leg and back, causing bleeding injuries as a result of which the complainant fell unconscious. The incident was allegedly witnessed by Vishakha Sahu, Dipika Sahu, Hemlal Sahu and Ruplal Yadav, who intervened to rescue the complainant. On the basis of

the aforesaid report, the aforementioned crime was registered and investigation was taken up against the present Applicant. Hence this application.

3. Learned Counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. It is further submitted that so far as the status of the trial is concerned, out of 18 prosecution witnesses, 10 witnesses, including the complainant and the injured, have already been examined. It is lastly submitted that the Applicant is in judicial custody since 03.10.2025 and as the trial is likely to take considerable time for its conclusion, he may be enlarged on regular bail.
4. Per contra, learned State Counsel opposes the application and submits that victim has already been examined.
5. Considering the submissions advanced by learned Counsel for the parties, the material available in the case diary, the nature of allegations, the period of custody of the Applicant since 03.10.2025, the fact that out of 18 prosecution witnesses, 10 witnesses, including the complainant and the injured, have already been examined, thereby substantially reducing the possibility of influencing the material witnesses, the fact that the trial is likely to take considerable time for its

conclusion, and without commenting anything on the merits of the case, this Court is of the considered opinion that it is a fit case to allow the application. Accordingly, the bail application is **allowed**.

6. Let Applicant-**Dinesh Sahu** involved in Crime No.135/2025 registered at Police Station Bori, District Durg (C.G.), for the offence under Sections 296, 351(3), 115(2), 3(5) and 109 of BNS 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/s shall file an undertaking to the effect that he/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 applicant/s shall remain present before the trial court on each date fixed, either personally or through his/their counsel. In case of his/their absence, without sufficient cause, the trial court may proceed against him/them under Section 269 of Bharatiya Nyaya Sanhita.

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

Bharatiya Nyaya Sanhita.

(iv) The applicant/s 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/s 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/them in accordance with law.

7. 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