



CGHC010335652026



2026:CGHC:38597

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 8033 of 2026

Shashi Ranjan Dwivedi S/o. Akhilesh Prasad Dwivedi, Aged About 31 Years
R/o Kotra Road, Raigarh, Tahsil And District - Raigarh, (C.G.)

... Applicant

versus

State of Chhattisgarh Through Police Station - Kotra Road, District - Raigarh
(C.G.)

... Non-applicant

For Applicant	: Mr. Kamlesh Patel, Advocate.
For Non-applicant/State	: Ms. Smriti Shrivastava, Panel Lawyer.
For Complainant	: Mr. Sajal Kumar Gupta, Advocate.

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Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

01.09.2026

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 has been arrested in connection with Crime No. 135/2026 registered at Police Station : Kotra Road, District – Raigarh (C.G.) for the offence punishable under Sections 76, 331(5), 115(2) of the Bhartiya Nyaya Sanhita, 2023.
2. The case of the prosecution, in brief, is that the complainant, a resident of Village Kalmi Deepapara, P.S. Kotra Road, District Raigarh (C.G.), lodged a written report on 04.05.2026, alleging that on 30.04.2026, at

about 2:00 P.M., while she was alone at her house, the applicant, who is stated to be a friend of her son and used to frequently visit their house, entered the house with an alleged wrongful intention and caught hold of her hand/arm. It is further alleged that, when she resisted, the applicant attempted to remove her upper garment (kurti). Upon her raising an alarm, the applicant allegedly threatened to forcibly take her to Jharkhand and assaulted her with fists, thereby allegedly causing injuries to her left eye, right wrist, waist, and lips. Thereafter, she went to her mother's house and subsequently informed her husband. After consultation with her family members, she lodged the report at P.S. Kotra Road on 04.05.2026, i.e., about four days after the date of the alleged occurrence. On the basis of the said report, Crime No. 135/2026 was registered against the applicant under Sections 76, 331(5), and 115(2) of the Bharatiya Nyaya Sanhita, 2023, and the applicant was arrested on 04.05.2026.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The allegations levelled against him are general and uncorroborated and are not supported by any independent or direct evidence connecting him with the alleged offence. He submits that there is a delay of about four days in lodging the FIR from the date of the alleged occurrence, i.e., from 30.04.2026 to 04.05.2026. The said delay, coupled with the fact that the alleged occurrence is stated to have taken place inside the house and there is no independent eyewitness to the alleged incident, is a circumstance which goes to the root of the prosecution case and can only be properly appreciated during the course of trial. He further submits that the investigation in the matter has been completed and the charge-sheet has already been filed before the learned Trial Court. Therefore, no

further custodial interrogation of the applicant is required, and his continued incarceration serves no further purpose from the point of view of investigation. It is most pertinent to mention that out of the total eight witnesses cited by the prosecution in the charge-sheet, not a single witness has been examined by the learned Trial Court till date. Thus, the trial has not even commenced in substance and is likely to take considerable time for its conclusion. He also submits that the present applicant has no criminal antecedents and he is in jail since 04.05.2026, conclusion of the trial may take some time, therefore, he prays for grant of regular bail to the applicant.

4. On the other hand, learned State Counsel opposes the bail application of the present applicant and submits that the charge-sheet has been filed before the competent Court in the present case.
5. Learned counsel for the complainant submits that the victim has no objection if the bail application of the present applicant is allowed.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case and the fact that learned counsel for the complainant has stated that the victim has no objection to the grant of bail, the fact that the applicant has no criminal antecedents and has been in custody since 04.05.2026, and that the conclusion of the trial is likely to take some time, this Court is of the considered view that the applicant is entitled to be released on bail.
8. Let applicant, **Shashi Ranjan Dwivedi**, involved in Crime No. 135/2026 registered at Police Station : Kotra Road, District – Raigarh (C.G.) for the offence punishable under Sections 76, 331(5), 115(2) of the Bhartiya Nyaya Sanhita, 2023, be released on bail on his furnishing **a personal**

bond with two sureties in the like amount 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.

9. 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

Abhishek