CGHC010308982026 2026:CGHC:43370

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 2064 of 2026

Amrit Yadav S/o Jagdish Yadav Aged About 26 Years R/o Batparga, Chowki Kedma, Police Station- Udaipur, District- Sarguja, C.G. **... Appellant**

versus

The State Of Chhattisgarh Through The Station House Officer, Police Station- Udaipur, District- Sarguja, C.G. **... Respondent**

For Appellant	**:**	Mr. Neeraj Kumar Mehta, Advocate
For Respondent/State	**:**	Mr. Jitendra Shrivastava, Government Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07/10/2026

1. Heard.
2. Admit.
3. Case diary is available.
4. With the consent of learned counsel appearing for the parties, the appeal is heard finally.
5. This criminal appeal has been preferred under Section 14-A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act of 1989") challenging the order dated 27.06.2026 passed by the learned Special Judge (Atrocities), Ambikapur,

District Surguja (C.G.), whereby the application filed by the appellant under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for grant of regular bail has been rejected. The appellant has been arrested in connection with Crime No. 106/2026, registered at Police Station Udaipur, District Surguja (C.G.), for offences punishable under Sections 115(2), 296, 3(5), 351(3), and 74 of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Sections 3(1)(r), 3(1)(s), and 3(2)(va) of the Act of 1989.

6. The prosecution case, in brief, is that on 16.06.2026 at about 08:00 A.M., the complainant lodged a written report at Police Station Udaipur alleging that her husband, Sukul Ram, called her near the house of Amrit Yadav, where he was consuming liquor along with Sarju Oraon and Amrit Yadav, thereafter, they went towards the forest near Dhodha, where an altercation took place. It is alleged that Sukul Ram assaulted the complainant, while the other co-accused caught hold of her, misbehaved with her, and touched her with improper intention. On her raising an objection, all three allegedly assaulted her. Upon hearing the commotion, her minor daughter and brother Maneshwar reached the spot and intervened.

7. Learned counsel appearing for the appellant submits that the appellant has falsely been implicated in the present case due to a domestic dispute between the complainant and her husband. Co-accused persons, namely Suraj Kerketta and Sukul Korwa (husband), have already been granted regular bail by the learned Special Court vide order dated 03.09.2026 passed in Bail Application Case No. 59/2026. The appellant has been in judicial custody since 17.06.2026, charge-sheet has already been filed, and the victim has raised no objection before this Court regarding the release of the appellant on bail; thus, the appellant may be enlarged on bail.

8. On the other hand, learned State counsel would oppose the appeal and prayer for grant of regular bail and submit that there are specific allegations of assault and outraging the modesty of a member of the Scheduled Tribe community; thus, the appellant may not be enlarged on bail.

9. Pursuant to the order dated 16.09.2026, the complainant/victim appeared before this Court through Video Conferencing and categorically stated that she has no objection if the appellant is released on bail.

10. Heard learned counsel for the parties and perused the case diary.

11. Considering the totality of the facts and circumstances of the case, particularly; the victim appeared through Video Conferencing and expressed no objection to the grant of bail to the appellant; co-accused persons have already been enlarged on regular bail by the learned Special Court vide order dated 03.09.2026; the appellant has been languishing in jail since 17.06.2026; and conclusion of the trial will take considerable time, this Court is of the opinion that the present is a fit case for grant of bail to the appellant. Consequently, the impugned order dated 27.06.2026 passed by the learned Special Judge (Atrocities), Ambikapur, District Surguja, is hereby set-aside and the instant criminal appeal is hereby **allowed**.

12. It is directed that in the event of the appellant executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail, on following conditions :-

    (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

    (ii) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and

(iii) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

13. The observation made hereinabove is for the purpose of deciding this criminal appeal for grant of regular bail only, the trial Court shall decide the case on its own merits.

Sd/-

Rakesh Mohan Pandey

JUDGE

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